

6/25/07  
Rev 22

**KYTC**  
**DESIGN BUILD**  
**SCOPE OF SERVICES**

**Contract No. \_\_\_\_\_ State Project # \_\_\_\_\_**

**County McCrear -Whitle      Route KY 92**

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**5 CONTRACTOR'S CONSULTANT**

The Contractor must name the Design Consultant in the space provided below. This must be the same prime consultant identified in the Letter of Interest submitted by the DBT as a part of the Request for Qualifications. Consultant names and addresses must be the same as that on file with the Department.

**Design Consultant**

Firm Name :

Address:

**6 Restrictions on Participation in Design-Build Contracts :**

To facilitate this procurement, various rules have been established and are described in the following paragraphs.

**6.1 Campaign Finance Law Statement Pursuant to KRS 45A.110 and KRS 45A.115**

A Commonwealth of Kentucky sworn statement regarding campaign financing laws must be completed and signed by an authorized agent of the Team.

**6.2 Reminder to Former State Employees**

KRS 11A is referenced as a reminder to former state employees seeking to do business with the state government. It should be thoroughly reviewed by any former state employee that will be involved with this contract.

**6.3 Executive Branch Code of Ethics**

The Team is reminded of KRS Chapters 11A and 45A concerning conflicts of interest and the acceptance of gifts by state employees and related to Conflicts of Interest regarding Contractors Seeking to Sell Goods or Services to the Executive Branch of State Government.

**6.4 No Contingent Fees**

No person or selling agency shall be employed or retained or given anything of monetary value to solicit or secure this contract, excepting bona fide employees of the Team or bona fide established commercial or selling agencies maintained by the Team for the purpose of securing business. For breach or violation of this provision, the Cabinet shall have the right to reject the proposal, annul the contract without liability, or, at its discretion, deduct from the contract price or otherwise recover the full amount of such commission, percentage, brokerage or contingent fee or other benefit.

## 6.5 RESTRICTIONS ON COMMUNICATIONS WITH CABINET STAFF

From **June 26 2007** until a Team is selected and selection is announced, proposers are not allowed to communicate with any Cabinet staff concerning this Project except:

- During the Pre-Proposal Conference with KYTC staff present or
- Via written questions to those specified in section 3.

For violation of this provision, the Cabinet shall reserve the right to reject the proposal.

In order to provide equal treatment to all Proposers, questions should be submitted in writing pursuant to this solicitation. Written responses to these questions shall be distributed to all Teams.

## 6.6 PROPOSAL PREPARATION

The Team shall follow any pertinent sections of this information, in the preparation of the proposal. Failure to provide any of the data required may result in the proposal being excluded from further evaluation.

## 6.7 Proposal Stipend

The unsuccessful DBT may be eligible to receive a stipend as a part of the proposal submittal process, if the proposal is determined to be responsive by KYTC's Awards Committee. The amount of the stipend will be **\$46,000**. The stipend is in no way intended to compensate the unsuccessful DBT for the total cost of preparing the Proposal required to prepare the project bid or any costs associated with any oral presentations, meetings, etc that may be required. In consideration for the stipend referenced herein, the Proposal shall become the property of KYTC. KYTC reserves the right to use any of the concepts or ideas within the submitted Proposal, as KYTC deems appropriate.

In order for a DBT to be eligible to receive a stipend, they first must advance to the "short list" of teams that are asked to prepare a proposal for submittal on the Project. Second, the DBT must execute, with original signatures, the Contractual Services Agreement, subtitled Design Build Stipend Payment contained in **Appendix G** of this document. The fully executed Design Build Stipend Payment document must be returned to KYTC as a part of the Proposal submitted for the project. The terms of said agreement are non-negotiable. Failure of the DBT to execute and return the agreement as part of the Proposal submitted for the project shall constitute a release to KYTC by the DBT for payment of the stipend and KYTC shall have no further obligation to compensate the unsuccessful DBT for its efforts in preparing all documents and incidentals needed to prepare a proposal for this project. Further, failure to fully execute and return the Design Build Stipend Payment document may constitute a Proposal being deemed "non-responsive" by KYTC.



In order to process the stipend payment, the unsuccessful DBT must submit an invoice for payment of services on a lump sum basis for the amount of the stipend after the selection and award process is complete to:

**Mr. Joel Holcomb P.E.**

**T.E.B.M. Preconstruction**

**KY Transportation Cabinet, Dept. Of Highways Dist. 11**

**P.O. Box 250**

**Manchester, KY 40962-0250**

Payment of the stipend shall be based upon on whether a proposal is deemed “responsive” or “non-responsive” by KYTC’s Awards Committee. If a proposal is deemed non-responsive by the Awards Committee, then no payment of the stipend shall be made.

**6.8 Disposition of Proposals**

All proposals become the property of the Commonwealth of Kentucky. The successful proposal shall be incorporated by reference into the resulting contract.

**6.9 Bonding Requirements:**

A 5% bid bond will be required to bid this project.

**6.10 Team Response and Proprietary Information**

The Cabinet shall not disclose any portion of any proposal prior to contract award to anyone outside the Cabinet, other than representatives of the federal government, if required, and the members of the Awards Committee and their designates. After a contract is awarded in whole or in part, the Cabinet shall have the right to duplicate, use, or disclose all proposal data, except proprietary data as described below, submitted by Teams in response to this solicitation as a matter of public record. Although the Cabinet recognizes the Team’s possible interest in preserving selected data which may be part of a proposal, the Cabinet must treat such information as provided by the Team pursuant to Kentucky’s Open Records Act, KRS 61.870 *et seq.*

Information areas which normally might be considered proprietary must be limited to: individual personnel data, customer references, selected financial data, formulae, and financial audits, which if disclosed should permit an unfair advantage to competitors. If a proposal contains information in these areas that a Team declares proprietary in nature and not available for public disclosure, each sheet containing such information must be clearly designated as proprietary at the top and bottom of the page and must be submitted under separate cover marked “PROPRIETARY DATA” Proposals containing information declared by a Team to be proprietary, either in whole or in part, outside the areas listed above, shall be deemed unresponsive to the solicitation and shall be rejected.

The Cabinet shall have the right to use all ideas, or adaptations of those ideas, contained in any proposal received in response to the solicitation. Selection or rejection of the proposal shall not affect this right.

#### **6.11 Proposal Addenda and Rules for Withdrawal**

Prior to the date specified for receipt of offers, a submitted proposal may be withdrawn by submitting a written request for its withdrawal to the Director of the Division of Contract Procurement.

The Cabinet shall accept addenda, revisions, or alterations to its proposal from any Team until c/o/b on the due date. The Cabinet shall not accept any unsolicited addenda, revisions, or alterations to any proposal after the c/o/b on the due date. If the Cabinet issues an addendum to the solicitation after c/o/b on the due date, then any Team may respond. A Team's response shall precisely respond to the contents of the Commonwealth's addendum.

The Cabinet reserves the right to request clarification or additional information. Unless requested by the Cabinet, the Cabinet may not accept any addenda, revisions, or alterations to proposals after the proposal due date.

#### **6.12 Proposal Submission Requirements**

A Team may submit only one proposal. The format and content are as specified. Alternate proposals shall not be allowed. Each proposal shall be prepared simply and economically, providing a straightforward, concise description of the Team's ability to meet the requirements of this solicitation. Fancy bindings, colored displays or promotional materials shall receive no evaluation credit. Emphasis shall be on completeness and clarity of content. The Cabinet retains the right to request, receive and consider additional information and clarifications throughout the evaluation process.

**Teams shall submit one (1) original and ten (10) copies of the proposal and any preliminary plans under a single sealed cover shall be received no later than 4:00 p.m., Eastern Time, on September 21, 2007. The Cabinet shall reject any proposal received after 4:00 p.m. on September 21, 2007 and shall return it unopened to the proposer. The original proposal shall be signed in blue ink by an authorized representative of the Team to be considered.**

The proposal shall be clear and concise, and provide the Selection Committee with an understanding of the Team's ability to undertake and complete the proposed work in a thorough manner. A page is defined as an 8.5" by 11" or 11" by 17" sheet which contains text, pictures, graphs, charts, plan sheets, or any other graphics. An 11" by 17" sheet shall not contain only text but shall contain pictures, graphs, charts, plans, or other graphics. Any preliminary plans shall be completed with a readable scale on 11" by 17" sheets. The proposals shall either be mailed or hand-delivered to:

**Mr. Steve Waddle P.E. Director  
Division of Construction Procurement  
200 Micro Street, Mail Code W3-05-02  
Frankfort, Kentucky 40622**

The outside cover of the package containing the proposal shall be marked:

**Bid**

**For**

**McCreary -Whitley County KY 92**

**Item No. 8-261.20 and 11-279.10**

**Design/Build Pilot Project No. 10: 2007-2008**

#### **6.13 ACCEPTANCE OF PROPOSALS**

All proposals properly submitted shall be accepted by the Cabinet. However, the Cabinet reserves the right to request necessary amendments which may become part of the Team's proposal; reject all proposals; reject any proposal that does not meet mandatory requirements; or cancel this solicitation, to the best interest of the Cabinet. For comparison purposes, the Awards Committee will prepare a cost estimate based upon information provided by the DBT in the proposal submittal. For acceptance purposes, the Cabinet may use this estimate to accept or reject any or all bids.

The Cabinet also reserves the right to waive minor irregularities in proposals providing such action is in the best interest of the Cabinet.

Where the Cabinet may waive minor irregularities, such waiver shall in no way modify the solicitation requirements or excuse the Team from full compliance with the specifications and other contract requirements if the Team is awarded the contract.

#### **6.14 PROTESTS**

The Secretary of the Kentucky Transportation Cabinet, or his designee, shall have authority to determine and resolve protests and other controversies of actual or prospective Teams in connection with the solicitations or selection for award of a contract.

Any actual or prospective Team, who is aggrieved in connection with solicitation or selection for award of a contract, may file a protest with the Secretary of the Transportation Cabinet. A protest or notice of other controversy must be filed promptly, and in any event within two calendar weeks after such aggrieved person knows or should have known of the facts giving rise thereto. All protests or notices of other controversies must be in writing to:

**Secretary, Transportation Cabinet**

**c/o Marcelyn Mathews, State Highway Engineer**

**200 Mero Street, Mail Code E6-S1-00**

**Frankfort, Kentucky 40622**

The Secretary of the Kentucky Transportation Cabinet shall promptly issue a decision in writing. A copy of that decision shall be mailed or otherwise furnished to the aggrieved party and shall state the reasons for the action take.

The decision by the Secretary of the Kentucky Transportation Cabinet shall be final and conclusive.

**6.15 E UAL EMPLOYMENT OPPORTUNITY ACT**

The Equal Employment Opportunity Act of 1978 applies to all State government projects with an estimated value exceeding \$250,000.

**6.16 EMPLOYMENT WAGE RECORD AND INSURANCE RE QUIREMENTS:**

See Appendix E for applicable requirements. It is understood and agreed to by the DBT that the Prevailing Wage Schedule for compensation to employees for the work categories and occupations for the county for which this project is located shall be strictly adhered to.

**6.17 TEAM REPORTS OF PRIOR VIOLATIONS OF KRS CHAPTERS 136 139 141 337 337 341 AND 342**

Pursuant to 1994’s Senate Bill 258, the Bidder/Offeror shall reveal to the Commonwealth, prior to this award of a contract, any final determination of a violation by the Team within the previous five (5) year period of the provisions of KRS Chapters 136, 139, 141, 337, 338, 341 and 342.

For the purpose of complying with the provisions of Senate Bill 258, please list any final determination(s) of violation(s) of KRS Chapters 136, 139, 141, 337, 338, 341 and 342, which have been rendered against the Bidder or Offeror within the five (5) years preceding the award of this contract.

Please include the date of the determination and the state agency issuing the determination.

KRS VIOLATION	DATE	STATE AGENCY
The Team is further notified that 1994’s Senate Bill 258 requires that for the duration of this contract, the Team shall be in continuous compliance with the provisions of KRS Chapters 136, 139, 141, 337, 338, 341 and 342, which apply to the Team’s operations. Senate Bill 258, further provides that the Team’s failure to reveal a final determination of a violation of KRS Chapters 136, 139, 141, 337, 338, 341 and 342, or failure to comply with the above-cited statutes for the duration of the contract, shall be grounds for the Commonwealth’s termination of the contract, and the Team’s disqualification from eligibility to bid or submit proposals to the Commonwealth for the period of two (2) years.		

**6.18 Project Disadvantaged Business Enterprise (DBE) Program:**

No mandatory percentage for DBE is required for this project. However, the DBT is encouraged to offer DBE consultants and contractors opportunities to participate in the project.

**7 Project Description:**

**McCreary County-KY 92**

Project Limits: From MP 21.512 To MP 25.737

Project Length: 4.225 miles

**Whitley County-KY 92**

Project Limits: From MP 0.00 To MP 4.4

Project Length: 4.4 miles

Exact work length shall be determined by the DBT.

**8 GENERAL PROVISIONS FOR THE SCOPE OF WORK**

The DBT shall provide for the engineering services, design, and preparation of detailed plans for the construction of the proposed project. Further, the DBT shall provide for the furnishing of materials, construction and completion in every detail of all the work described in the Conceptual Documents in order to fulfill the intent of the contract.

**8.1 Governing Regulations :**

All services, including but not limited to survey, design and construction work, performed by the DBT and all subcontractors, shall be in compliance with all applicable KYTC, Department of Highways, Standard Specifications for Road and Bridge Construction, Standard Drawings, Manuals, Guidelines and M.U.T.C.D. As a part of the DBT's submittal, a comprehensive schedule detailing all project milestone dates must be prepared for Department review and approval. This schedule shall be a critical path type schedule similar to that required for construction by Special Provision 82. (See the Standard Specifications for Road and Bridge Construction.) This schedule shall be all inclusive of the activities, including those for design, right of way, utilities and construction, required for completing this project. In addition, the DBT shall be required to furnish the Department with a complete breakdown of the lump sum bid items established for this project at the time of submittal of the DBT bid proposal. In order to document how the lump sum bid price was determined, the DBT must supply, using standard KYTC bid item codes whenever possible, quantities, units, and prices to support the lump sum bid submitted. Any non-standard bid items used must be thoroughly explained in the bid proposal. The breakdown shall include materials to be used in the work, and shall be in sufficient detail to provide KYTC with a means to check partial payment requests. Please be advised that if a change in scope for the project is needed as determined by KYTC, the DBT agrees that the prices submitted as part of the lump sum bid item documentation shall be used to prepare a change order to execute the work. KYTC shall use the guidelines set forth in section 104.02 in the KY Transportation Cabinet Department of Highways Standard Specifications For Road And Bridge

Construction to determine if the unit prices for the items necessary to perform the work involved in the change in scope need to be negotiated further.

The fact that the bid items for this Design-Build project are general rather than specific shall not relieve the Contractor of the requirement that all work performed and all materials furnished shall be in reasonable conformity with the specifications. The Contractor's Consultant shall reference in the plans the appropriate Construction and Material Specifications Item Number for all work to be performed and all materials to be furnished. Please see Appendix I for information regarding Quality Assurance requirements for this project to be provided by the DBT.

It will be the responsibility of the DBT to acquire and utilize the necessary KYTC manuals that apply to the design and construction work required to complete this project.

## **8.2 Lump Sum Bid Items:**

For this project, two "all-inclusive" Lump Sum bid items are to be utilized, one Lump Sum item for the KY 92 work in McCreary County and one Lump Sum for the KY 92 work in Whitley County. The sum of these will be the total bid for this project. The components that are to be incorporated in each of these bid items shall include but are not limited to:

**Design:** DBT shall furnish units used to prepare project design, See Appropriate Sections

**Right of Way Acquisition Services:** See Section 11

**Utility Relocation Services:** See Section 12

**Grade & Drain:** See Appropriate Sections

**Asphalt Paving:** See Appendix A

**Structures:** See Appropriate Sections

**Environmental:** See Appropriate Sections

**Traffic Signs:** See Section 16.2

The DBT shall provide supplemental cost information and supporting documentation of those costs for each of the components listed. The sum of the individual component costs shall equal the value of the "all-inclusive" two lump sum bid items for the project. Certain aspects and requirements for each of these items are discussed in the following sections. Some components are discussed in multiple sections due to the nature of the work involved. As stated previously, the intent of each of these "all-inclusive" single lump sum bid items is to incorporate all features of the project into these bid items. Please be advised that three (3) % of the total lump sum bid price shall be used as the Demobilization cost for this project.

## **8.3 Basis of Payment :**

All items covered by Construction and Material Specifications, Supplemental Specifications, Proposal and Special Provision notes with unit price as a basis of payment shall be included in the Lump Sum bid items established for the project. "In progress"

payments for the project shall be made utilizing the supplemental cost information supplied for each of the components identified as parts of the "all inclusive" Lump sum bid items.

#### **8.4 Final Payment**

In general, final payment shall be in accordance with section 109 of the standard specifications. However, in addition, the DBT shall prepare and submit the following prior to the request for final payment:

1. All original project files and notes utilized in the preparation of the survey, design and construction of the project
2. As-Built Plans as required below.

#### **8.5 As-Built Plans:**

**A. General:** At the completion of the work, prior to final acceptance of the construction, the Consultant shall furnish the Department As-Built-Plans of the construction. When the As-Built Plans are completed, the Consultant shall professionally endorse (sign and seal) the title sheet.

As-Built Plans shall be prepared and submitted in accordance with Chapter 200 of the KYTC Highway Design Manual.

In addition to the information shown on the construction plans, the As-Built Plans shall show the following:

- 1) All deviations from the original approved construction plans which result in a change of location, material, type or size of work.
- 2) Any utilities, pipes, wellheads, abandoned pavements, foundations or other major obstructions discovered and remaining in place which are not shown, or do not conform to locations or depths shown in the plans. All underground features (including utilities that have been relocated as a part of the project) shall be shown and labeled on the As-Built Plans in terms of station, offset and elevation.
- 3) The final option and specification number selected for those items which allow several material options under the specification (e.g., conduit).
- 4) Additional plan sheets may be needed if necessary to show work not included in the construction plans.

The Plan index shall show the plan sheets which have changes appearing on them.

Two copies of the As-Built Plans shall be delivered to the Project Manager for approval upon completion of the physical work but prior to the request for final payment. After the Department has approved the As-Built Plans, the original tracings and the associated electronic files shall be delivered to the Project Manager for final processing. Acceptance of these plans and delivery of the original tracings and the associated



electronic files is required prior to the work being accepted and the final estimate approved by the project manager.

**B. CADD Files shall be supplied by DBT:**   X   Yes        No

**All CADD standards shall be in accordance with the KY CADD Standards Latest Version.**

**8.6 Pre-Design-Preconstruction Conference:**

After bid opening, the Contractor shall attend a mandatory Pre Design-Preconstruction Conference. For use with project schedule preparation, the DBT shall use **October 26, 2007** as a basis for award of the contract and the date for the mandatory Pre Design-Preconstruction Conference.

**8.7 Partnering Agreement:**

Formal Partnering, in accordance with section 114 of the KYTC, Department of Highways, Standard Specifications for Road and Bridge Construction, will be required on this project. Contrary to section 114, the DBT will include in the Lump Sum Bid the cost for doing the partnering meeting(s); however, the Cabinet will provide or pay for a facilitator.

**Communication:**

All communication during design and construction shall be with the District Project Manager.

District Project Manager: Joey Mosely

Phone number: 606-549-3760

E-mail: Joesph.Mosley @ KY.GOV

At the Pre Design-Preconstruction Conference, the Contractor shall name a Project Manager who will act as a liaison between the DBT and KYTC.

**8.8 Permits:**

The DBT will be required to obtain all necessary permits from the appropriate Federal, State or local government agencies having jurisdiction over all work related to the project. Please see Section 10 for further information regarding work already done by KYTC to assist with expediting this process.

**8.9 Entry On Private Property :**

Prior to performing any project development work, the DBT will send notification letters indicating the date and duration of entry to any affected property owners no less than forty-eight hours nor more than 30 days prior to the date of entry. The DBT shall forward copies of all notification letters distributed to KYTC's Project Manager. Any subsequent claims for compensation due to damages incurred during the life of the project will be negotiated between the DBT and the affected property owners with final approval from KYTC's Project Manager. The DBT is responsible for making restitution to the affected property owners for any subsequent claim for compensation due to



damages incurred during the project that are the result of work done by or at the direction of all members of the DBT.

**9 HAZARDOUS MATERIALS:**

The DBT is advised that any hazardous materials encountered as a part of the design and construction of the project shall be the responsibility of the DBT to identify, take responsibility for, and take the appropriate steps to dispose of said materials in accordance with all laws and regulations. KYTC is unaware of any hazardous materials on the project.

**10 ENVIRONMENTAL**

**10.1 Waterway Permits:**

It is required that the bidder be aware of Section 404 and 401 permits and certifications requirements for all projects impacting "waters of the US". The level of permit required, that is Nationwide versus Individual 404 and 401, is determined by the exact amount of impact to "waters of the US", (i.e., acreage of fill activities in a stream or wetland or linear feet of work in a stream) and in some cases the waters impacted. All individual 404 Permits require 401 Water Quality Certification. Nationwide Permits are activity specific permits used to authorize projects with minor impacts. Projects with more than minor impacts require individual review by the U.S. Army Corps of Engineers and the KY Division of Water.

The DBT should be aware of the Nationwide Permits and conditions as issued for the State of Kentucky and should design projects to meet the requirements of these general permits to avoid the requirements for Individual 404 Permits and 401 Water Quality Certification if possible. The Nationwide Permits for the State of Kentucky can be found at the various Corps of Engineers' web sites.

Coordination of the waterway permits can take 9 to 12 months for Individual 404 Permits. Therefore, it is imperative that the DBT submit plans (i.e., plan & profile, cross-section and detail sheets for any bridges, culverts, or fill areas in waters) to the District and the Division of Environmental Analysis for permit determination at the earliest stages of the project. The review of plans, any required coordination or the processing of permit applications must be accomplished by the DBT, through the Division of Environmental Analysis (DEA), prior to the commencement of construction activities. DEA shall review all DBT submittals within 14 days after receiving the information. The DBT shall be responsible for completing applications for 404 Permits and 401 Water Quality Certification, if they are required. At no time will the DBT coordinate the submittal of waterway permit applications directly with the permitting agencies unless directed to do so by the Division of Environmental Analysis. However, during the preparation of the DBT's proposal, the DBT is free to discuss items such as potential costs, in-lieu fees, and scheduling issues with the permitting agencies as needed. The DBT shall be responsible for complying with all provisions set forth in the 404 permits and 401 Water Quality Certification.

Please see Appendix C for additional information regarding nationwide permit conditions, information regarding potential permit requirements, and erosion control requirements

#### **10.2 National Pollutant Discharge Elimination System (NPDES) permit and Best Management Practices(BMP) Plan**

The DBT must submit to the project manager a BMP plan for the project and receive approval prior to beginning work. All temporary erosion control is the responsibility of the DBT. The DBT will be responsible for filing the Notice of Intent (NOI) with the Kentucky Division of Water. Please see Appendix C for additional information.

#### **10.3 Project Permit Status:**

The DBT's are advised that KYTC has taken steps to expedite the permit process for this project. Utilizing the design plans provided to the DBT by KYTC, KYTC applied for the appropriate USACE permit May 16, 2007. KYTC applied for an "Individual Permit" A copy of the submittal will be provided to the DBT's by KYTC for their use. KYTC will pay any fees associated with this permit. Should the DBT choose to materially alter the final design such that USACE or KYTC determine that the permit application originally submitted must be amended, it shall be the responsibility of the DBT to take all necessary actions required to amend and obtain approval of the USACE permit required for the project. The DBT will be responsible for any increased fees as a result of a modification. Please see Appendix C for additional information.

### **11 RIGHT OF WAY ROW**

The DBT will be responsible for determining all right of way needs (including easements for drainage, erosion control, utility relocations, and maintenance and control of traffic) that their conceptual design may require. This project is to have access control by permit. As detailed in this section, it shall be the responsibility of the DBT to provide all "Right of Way Acquisition Services" for the project. The DBT shall have a pre-qualified consultant for all phases of right of way acquisition and a pre-qualified attorney for any right of way legal services required. Attorneys must be selected from the current Contract Attorney Listing available from the Office of Legal Services in Frankfort. The DBT shall be responsible for title reports, appraisals, first stage reviews, negotiations, relocation assistance, closings, submission of documents required for condemnation action, preparation and filing of suits, and all other legal work necessary to obtain the right of way and easements necessary to construct the project. The DBT shall be responsible for payment of all fees necessary to for the filing of suits. KYTC shall post the Commissioner's Awards when required. When it becomes necessary to file suit, it is the intent of this process for the DBT to provide all items and services required to obtain an "interrogatory judgment" or "IOJ" and the subsequent "right of entry" for the parcel in question. When a "relocation" of a property owner is required, all services necessary to complete the relocation of the property owner shall be included in this contract. Any relocation assistance payments necessary shall be paid by KYTC. All right of way acquisitions shall be in compliance with current Right of Way Acquisition Policies and

Procedures. All acquisition activities shall be coordinated with the District 11 Right of Way Supervisor with approvals through the Division of Right of Way and Utilities. Right of Way costs will not be included in the bid. However, **the Team shall provide a Right of Way estimate and a comprehensive "Schedule for Right of Way Acquisition"** for the design proposed. Existing right of way lines will be located by the DBT based on requirements specified in Chapter 1300 of the KYTC Design Manual. It is the responsibility of the DBT to research existing right of way information from all available sources to the extent necessary to provide an accurate basis for the establishment of the existing right of way. No construction work shall be allowed within the limits of a "buildable unit" (see section 19) unless right of way has been cleared for that unit. In some cases, this may constitute the entire project. The DBT will stake and flag the existing and proposed right of way and all easements needed in the field prior to the start of construction. The DBT will maintain all proposed right of way and easement stakes and flags throughout the duration of the project.

**11.1 Schedule for Right of Way Acquisition Critical Path :**

The DBT shall be required to provide a comprehensive "Schedule for Right of Way Acquisition Critical Path". This schedule is intended to provide the detailed plan the DBT will utilize to clear all Right of Way and easements needed to construct the project. This schedule shall completely explain which parcels need to be obtained and in what sequence in order to advance any "buildable units" the DBT intends to utilize (Critical Path for obtaining Right of Way parcels and easements). The Schedule For Right of Way Acquisition Critical Path at a minimum shall include the following items:

- a) Start Date for Acquisition Process for the project
- b) Date for Acquisition Process to reach Right of Entry for all parcels (Assume no suits will need to be filed) for the project
- c) Total number of Calendar Days needed to obtain Right of Entry (Should be the difference between the Start Date and Right of Entry Completion Date)  
\*As per "Right of Way Acquisition Policies and Procedures", under the appropriate circumstances, KYTC shall perform "2<sup>nd</sup>" Stage Reviews of appraisals. KYTC shall be allowed 45 calendar days from the date a parcel is submitted to the KYTC Central Office Division of Right Of Way for this review. Multiple parcels may be submitted at one time. The DBT must allow for this review time in the Schedule.
- d) Date Right of Way Acquisition Process is to be completed. (All parcels and easements obtained)
- e) Supplemental Information-amount of time (in days) needed to file suit and advance the legal process until "Right of Entry" for a parcel is obtained. The intent of this information is to provide a time frame for adjusting the **Schedule For Right of Way Acquisition Critical Path** when it becomes necessary to file suit to obtain the Right Of Way. KYTC shall be allowed **seven (7)** calendar days to post commissioner awards. The DBT must include this time in the amount of days needed to obtain Right of Entry for each suit filed.

**Information Required for Each Parcel to be included in the Schedule for Right of Wa Acquisition Critical Path :**

- a) Parcel Number
- b) Date or point in critical path parcel needs to be obtained
- c) Is this parcel a “relocation”?
- c) Date title report complete
- d) Date appraisal complete
- e) Date reviews complete
- f) Date negotiations start
- g) Date negotiations complete
- h) Date obtain Right of Entry or
- h1) Date suit filed\*
- j) Date relocation completed (if applicable) \*\*

\*The supplemental information regarding number of days needed to pursue a suit through the legal process to the point Right of Entry is obtained will be added to this date to determine the revised Right of Entry date. KYTC will use this information to document any adjustments that may be required in the **Schedule for Right of Wa Acquisition (Critical Path)**

\*\*For Relocations: Supply the amount of time (in days) needed to complete a relocation of a property owner. The number of days supplied shall include the complete relocation of a property owner (including, but not limited to: demolition of structures, HAZMAT removal, UST removal etc) to the point utility relocations and construction operations can begin.

**Ri**

**11.15 Schedule for Right of Way Acquisition Critical Path and Impact on Overall Project Schedule**

As detailed in section 11.10, KYTC will utilize the information provided by the DBT to make adjustments in the overall project schedule when applicable. It is the intent of this approach to establish a defined procedure for adjusting the date for which KYTC shall begin charging Work Days for the project. Please be advised that once the total number of calendar days set forth by the DBT for Right of Way acquisition, with approved adjustments, has expired, KYTC will no longer consider Right of Way acquisition as a controlling operation for the project. Please be advised that any plan or construction revisions that are needed as the result of right of way settlement process shall be incidental to the one lump sum "all inclusive" bid item.

**11.2 Eminent Domain:**

In the course of executing the Right of Way process as outlined for this project, should a property owner challenge the State's power of "Eminent Domain", or often described as a "Right to Take" case, this will be handled on a project specific basis. Such cases may take up to two years to resolve. In the event this does occur, KYTC and the DBT shall meet to discuss what options are available, based upon all aspects of the project. This may result in suspension or cancellation of the project.

**12 UTILITIES**

Minimal impacts to utilities will be given "strong" consideration when project designs are evaluated as a part of the selection process of the winning DBT. For utilities that are identified as "to be included" in the project construction costs, a detailed list of quantities, units, and prices must be supplied by the DBT to document the scope and costs associated with the work.

**A mandatory meeting with the respective DBT's and the utility companies shall be held. Details will be provided at a latter date.**

**12.1 Existing Utilities:** The District 11 Utility Agent has prepared a list of utility companies located in the area of the project. Please see Appendix D.

**12.2 DBT Utility Coordination Responsibilities:** As soon as it is feasible after the final plan is approved by the Department, the DBT shall stake the existing ROW (and new ROW if additional is acquired) in the field and shall perform clearing and grubbing within that ROW as required by the specifications and the proposal documents, in order to allow utility relocation and reduce potential delays. ROW stakes shall be maintained and updated as needed throughout the project length.

The DBT shall coordinate all existing utilities with construction activities on this project. The DBT shall insure that potential delays in coordination and relocation of the affected utilities are minimized. The DBT shall copy Project Manager and the District Utility Agent on all correspondence or phone calls between the DBT and each utility. This shall include the submittal of plans to each utility.

A meeting at or near the preliminary review shall be held between the DBT the District Utility Agent and the utility owners to determine if any significant utility relocations can be eliminated or mitigated.

Any betterment to the utility's facility and ineligible, or unnecessary, work shall not be a part of the project's expense but the utility company's fiscal requirement. Determination of eligibility can be coordinated through the District Utility Agent.

The DBT will coordinate the relocation of any utilities required for the proposed construction. The District Utility Agent will review all Utility Agreements with final approval by the Director of Right of Way and Utilities. The District Utility Agent will have 14 calendar days to complete this review. Unless noted, utility design and relocation of the facilities will not be included in the bid. However, the Team should provide a utility estimate for the design proposed as well as supporting documentation clearly explaining how the estimate was determined.

**12.3 Subsurface Utilities Engineering (SUE):** \_\_\_\_ Yes ☒ No

If marked yes, then The DBT shall use a state approved subsurface utilities engineering location service to field verify all underground utilities prior to beginning of any design work and shall incorporate the results in the design.

DBT shall have the SUE perform the following Quality Levels: To be pursued at discretion of DBT.

**12.4 Utilities and Project Schedule Requirements:**

The DBT shall be required to provide a **com rehensive "Schedule for Utili Relocations Critical Path "**. This schedule is intended to provide the detailed plan the DBT will utilize to relocate any utilities that must be moved in order to construct the project. This schedule shall completely explain the "connectivity" between permit requirements, Right of Way needs, and any preliminary construction activities that need to be in place prior to beginning any utility relocation work. DBT coordination with the various utility companies is a critical element to providing an expedited schedule for the project. KYTC recognizes that many of these processes will be taking place simultaneously. Due to the uncertainties that are inherent in the utility relocation process, the use of the calendar day approach is intended to allow for flexibility in the schedule due to elements that are difficult to predict, while still allowing the DBT the opportunity to maximize efficiencies in their operations. By allowing adjustments to the schedule in the Right of Way process, it is the intent that this will remove some of the uncertainties that surround utility relocation work due to failure to obtain "right of entry" due to a suit.

**The Schedule for Utili Relocations Critical Path at a minimum shall include the following items:**

- a) Start Date for utility relocation process
- b) Completion Date for utility relocation process
- c) Total number of calendar days needed (difference in "a and b", in days)



**Information Required for Each Utility to be relocated included in the Schedule for Utility Relocations Critical Path :**

- a) Date agreement will be submitted to KYTC (allow 14 calendar days for KYTC to review and process; this may require revisions and re-submittals)
- b) Permit requirements (For other agencies such as Divisions of Water, include anticipated submittal dates and review time)
- c) Right of Way parcels that must be cleared for utility relocation work to begin (and date the DBT expects this to be accomplished)
- d) Preliminary construction activities that must take place for utility relocation work to begin (and date the DBT expects this to be accomplished)
- e) Start Date for utility relocation
- f) Completion Date for utility relocation

**12.5 Schedule For Utility Relocation Critical Path and Impact on Overall Project Schedule**

As detailed in section 11.10, KYTC will utilize the information provided by the DBT to make adjustments in the overall project schedule when applicable. It is the intent of this approach to establish a defined procedure for adjusting the date for which KYTC shall begin charging Work Days for the project. Adjustments to the Right of Way phase, when applicable, will be used to adjust the utility relocation phase of project. Please be advised that once the adjustments are made to the **Schedule For Utility Relocation as a result of adjustments to the Schedule For Right of Way Acquisition Critical Path and the** total number of calendar days set forth by the DBT for Utility Relocations acquisition, with approved adjustments, has expired, KYTC will no longer consider Utility Relocations as a controlling operation for the project. It is the intent of this approach to establish a defined procedure for adjusting the date for which KYTC shall begin charging Work Days for the project

**13 DESIGN AND CONSTRUCTION REQUIREMENTS :**  
**MAINTENANCE OF TRAFFIC (MOT)**

**Maintenance of Traffic (MOT) Special Provisions** in addition to the Governing Regulations listed in section 8.1 of this document: The DBT shall submit an approach for MOT for the project that incorporates the elements listed as well as propose any innovative ideas that may expedite the work. Preliminary Traffic Control Plans have been prepared for each section of the project. The DBT may propose modifications to the plans as a part of the proposal. It shall be the responsibility of the DBT to coordinate all work with other adjacent active projects.

**13.1 General :** All temporary MOT devices shall comply with the National Cooperative Highway Research Program (NCHRP) 350 Hardware report.

**13.2 MOT Restrictions:**

All maintenance of traffic procedures shall be in accordance with MUTCD. No lane closures will be allowed during the observance of all Holidays identified in Section 101 of the KYTC, Department of Highways' Standard Specifications for Road and Bridge

Construction. Under special circumstances, KYTC reserves the right to restrict the use of lane closures due to unforeseen special events. In principle, the DBT will be required to maintain one 10 foot lane in each direction (or better), for the life of the project. When necessary, during active work, the roadway can be narrowed to one total lane using flaggers. Any storm sewer, culvert pipe, or utility installations that require that the roadway be "open-cut" to install the facility must be installed during work hours approved by the Engineer. Backfill of all open cuts of the existing roadways shall require flowable fill and 9" of approved Asphalt Base (placed in 2- 4.5" lifts). Construction operations using shoulder closures will be allowed during all daylight hours (except holidays) provided any resulting temporary drop-off conditions and signing requirements are adequately addressed. In general, any drop-off condition 4" or less shall be protected by barrels or delineators spaced every 40 feet. Drop-offs greater than 4" shall be wedged with DGA or other suitable materials on a 3:1 or greater slope in conjunction with barrels spaced every 40 feet. If a separation of 8 feet desirable (5 feet minimum if approved by the Engineer) or greater can be achieved between traffic and the drop-off, no wedging will be required. Temporary drop-offs during working hours that construction operations are taking place should be kept to a minimum. Drop-offs greater than 4", resulting from excavations directly adjacent to traffic (with no positive separation), shall be limited to 500 feet in length. The intent of this requirement is to keep the temporary "wedging operation" in close proximity to the work to promote safety for the motorist.

The DBT must address the MOT approach for placing drainage structures as a part of the project bid proposal.

Any shoulders to be utilized as a temporary driving lane during the project shall have an additional layer of base added, equal to the corresponding depth for the lift shown for mainline pavement, incorporated into the pavement structure.

During blasting operations, the roadway may be closed for a maximum of 20 minutes to execute the blast and perform any clean up necessary to reopen the road for traffic for both directions of travel. Should this closure exceed 20 minutes, the DBT will be assessed a penalty of \$500 for each 15 minute interval that the road remains closed. Before another shot is allowed to be made, the DBT will have to present to the Project Manager, for approval, the proposed methods for controlling the blast and the cleanup such that the 20 minute limit can be met.

The DBT must address the MOT approach for maintaining access to all adjacent property owners during construction of the project.

Please be advised that the DBT will be responsible for supplying all Flashing Arrows and Variable Message Boards necessary to maintain traffic for this project. Upon completion of the project, the Flashing Arrows and Variable Message Boards shall remain the property of the DBT.

Minimum lane width: 10 Feet.



**13.3 Maintenance of Traffic Plan Requirements:**

The DBT shall be required to prepare Maintenance of Traffic plans that clearly present a detailed phasing of the work such that all provisions within section 13.2 can be met. The KYTC will have 14 calendar days to approve this plan.

**14 DESIGN AND CONSTRUCTION REQUIREMENTS**

**LOCATION & DESIGN**

**Location & Design Special Provisions** in addition to the Governing Regulations listed in section 8.1 of this document:

**14.1 Survey:**

All project survey requirements shall be in accordance with section 300 of the KYTC Design Manual. Placement of proposed Right of Way monuments, in accordance with KYTC standards and sepia drawing for R/W monuments, shall be required on this project. Placement of all proposed Right of Way markers shall be performed by a Registered Surveyor, with a current registration, recognized by the Kentucky State Board of Registration for Professional Engineers and Surveyors. Costs associated for this item shall be borne by the DBT.

The DBT shall provide the following items prior to final acceptance of the As Built Plans:

- a) Copies of all Deeds, Plats, Maps and other written evidence used to establish points related to the project including summaries of all parole evidence acquired as a part of the survey operation.
- b) Listing of all monumentation, both existing and new, (Horizontal and Vertical) plotted on the As Built Plans.

**14.2 Functional Classification of Roadway: See below**

**14.3 Design Speed: See below**

**McCreary County-KY 92: 55 MPH Rural Major Arterial**

From MP 21.512 To MP 25.737

**Whitley County-KY 92: 55 MPH Rural Major Arterial**

From MP 0.00 To MP 4.4

**14.4 Pavement: See Appendix A**

**Material Transfer Vehicle Required: Yes X ; No**

**Asphalt Pavement Ride Quality Required:** Yes X ; No \_\_\_\_\_

See Section 410 of the standard specifications.

**14.5 Typical Section: See Appendix B**

**14.6 Drainage Folder Required:** Yes X ; No \_\_\_\_.

The Marsh Creek watershed is deemed a significant water resource for the State of Kentucky. The DBT is advised that erosion control measures for this project shall be strictly adhered to. As an additional measure, the DBT shall be required to utilize KYTC's Karst Policy and Procedures for protection and treatment of roadway storm water runoff into all areas of the Marsh Creek watershed affected by the project.

**14.7 Design Exceptions:**

Previously approved Design Exceptions: None\*

The DBT shall advise of any future design features that does not meet the minimum design criteria. The DBT shall prepare all future design exceptions and submit to KYTC for approval. It is a requirement that all design exceptions be submitted for consideration by KYTC in writing no less than 21 days prior to submittal of the project proposal. A detailed explanation explaining the justification for this exception must be provided with this request. All DBT's will be made aware of the request as well as a approval or disapproval in writing. KYTC does not intend to approve design exceptions after the contract is awarded unless extreme and unforeseen circumstances can be demonstrated. The safety of the traveling public shall not be compromised by a design exception.

**\*A design exception was approved for this project, but it is no longer applicable.**

**14.75 Fuel and Asphalt Adjustments:**

Fuel and asphalt price adjustments, as detailed in the supplemental specifications, will be applicable for this project. The base "index" values used to determine price adjustments shall be based on the values for the first of the month for when the bid proposals are submitted to KYTC.

**14.8 Landscape:** Yes \_\_\_\_ ; No X

**14.9 Fencing:** Yes \_\_\_\_\_; No X

#### **14.10 Additional Description of Required Work and Special Provisions:**

The Whitley County-KY 92 portion of this project has been designed to approximately the Right of Way Plan Stage and McCreary County-KY 92 has reached the “plans in hand” inspection stage. A copy of the “plans in hand” inspection report for McCreary County is included on the project CD. However, the corrections to the plans called for in the report were never made.

KYTC requires that the base bids for this project be in reasonable conformance with the plans as presented by KYTC. However, the DBT can make suggested revisions to this alignment as they deem necessary and present these as “value added” components for KYTC’s consideration. Any proposed changes to the design as presented by KYTC must be clearly identified and discussed in the DBT proposal submittal. Please be advised that if any revisions proposed would require a revision to the permit application already submitted for the project, said permit revisions and any associated in-lieu fee changes become the responsibility of the DBT.

The DBT shall include the cost of demolition and removal of all structures (property owner relocations etc) as a part of the one lump sum all inclusive bid for the contract. All work must be done in accordance with KYTC policy and established laws and regulations.

Approach roads and commercial entrances may require reconstruction. As a part of this reconstruction, existing widths and profile grades shall be maintained or improved upon. This may require work off the Right of Way indicated on the preliminary plans.

#### **15 DESIGN AND CONSTRUCTION REQUIREMENTS : STRUCTURES**

##### **15.1 Structure Design / Advance Situation Folder**

The Team will have a consultant team member pre-qualified in Structure Design, Bridges Under 500 feet. The Team will be responsible for preparing an Advance Situation Folder and the construction plans for any structure on the project. The structure plans shall be developed in accordance with Division of Structure Design Guidance Manual (<http://transportation.ky.gov/bridges/GuidanceManual.htm>). Review times shown in the Guidance Manual will begin when a submittal is received. Submittals required will be Advance Situation Folder, Stage 1 Preliminary Plans, Stage 2 Preliminary Plans, Stage 1 Final Plans, and Stage 2 Final Plans. The structure plans will be signed and sealed by a Licensed Professional Engineer. Each structure can be submitted individually upon design completion. The Division of Structural Design will provide drawing numbers for each structure. The final mylars will be delivered to the Division of Structural Design.

##### **15.3 Design and Construction Requirements of Structure:**

All design and construction structures shall be in compliance with all applicable AASHTO design criteria as well as current KYTC standards. The Bridge over Marsh

Creek must have an “enclosed” drainage system. Once collected, the storm water must first pass through a grass lined filtering/detention system prior to entering the Marsh Creek watershed. Please see KYTC’s Karst Policy for additional guidance on suggested measures to accomplish this.

Design Loading = HS 25

Investigate the use of a **Prefabricated Structure (such as Three Sided Culvert)**:  
(Not Required)

All **Shop Drawings** shall be reviewed and approved by the DBT.

#### **15.4 Foundation Investigation and Geotechnical Invest**

All available Geotechnical information will be furnish  
This is strictly for information. Final foundation inve  
investigations necessary to prepare the DBT’s bid and  
responsibility of the DBT. The DBT shall be respons  
information necessary to prepare a geotechnical repor  
design and construction. The subsequent report shall  
approval by KYTC Geotechnical Branch. Please allo  
The DBT must address provisions for stabilizing any  
the limits of the roadway construction. Normally, un  
unsuitable materials with approved materials or coars  
with geo-textile fabric type IV are permissible solutic  
encountered on a construction project. As a part of th  
clearly identify a quantity and unit prices for this wor  
shall include, at a minimum, a quantity equal to 5% o  
for the project as an amount to include in the DBT project bid.

### **16 DESIGN AND CONSTRUCTION REQUIREMENTS : TRAFFIC CONTROL**

#### **16.1 Pavement Markings and Delineators Special Provisions** in addition to the Governing Regulations listed in section 8.1 of this document:

**A. Pavement Markings:** Yes  X ; No  .

The DBT is to provide all pavement striping, intersection markings, and lane markings in accordance with MUTCD and applicable KYTC standards. Pavement striping plans are to be provided for review and approval at the “Final Plans in Hand” submittal stage.

**B. Raised Pavement Markers:** Yes  ; No  X .

**C. Delineators:** Yes  ; No  X .

**D. Barrier Reflectors:** Yes  ; No  X .

**E. Object Markers:** Yes \_\_\_ ; No  X .

- 16.2 Signing Special Provisions** in addition to the Governing Regulations listed in section 8.1 of this document: All temporary signing shall be provided by the DBT for this project. The KYTC will do the permanent signing for these roads. In principle, the DBT shall make provisions to keep all existing signs “operational” and visible to the traveling public during the life of the project. This shall require that many of the signs be relocated more than once. Any signs damaged during the project shall be replaced by the DBT as directed by the Engineer.

**17 PROJECT SCHEDULE REQUIREMENTS AND SELECTION CRITERIA**  
**The selection of the winning DBT for this Project shall be made by members of KYTC's Project Awards Committee.**

**17.1 Schedule / Capacity**

The Awards Committee will evaluate the ability of the DBT to complete the project based on the schedule submitted for the project as well as capacity and past performance on projects deemed relevant by the Awards Committee

**This project shall use a schedule that utilizes a combination of calendar days and work days to complete all phases of the work required. As detailed in section 11.1, the DBT shall be required to submit a Schedule for Right of Way Acquisition (Critical Path), based upon calendar days, to facilitate Right of Way acquisition for the project. In conjunction with this, the DBT shall also submit a Schedule for Utility Relocation (Critical Path), based upon calendar days, detailing the relocation of utilities for the project. The intent of the calendar day approach for these two phases is to allow a certain amount of flexibility into the process to accommodate unforeseen circumstances, while allowing the DBT the opportunity to take advantage of efficiencies in their operations to expedite the project.**

The DBT shall be required to prepare an overall Proposed Project Schedule that includes the following elements:

- **Proposed Progress Schedule (See Section 8.1) shall include the following (at a minimum) milestones identified:**

**Phase II**

- 1) Pre-Design\Preconstruction Partnering Meeting date:**
- 2) Final Plans-in-Hand and Drainage Inspection Date:**
- 3) Maintenance of Traffic Plan Submittal Date:**

- 4) Right of Way Plan Submittal Date:
- 5) Submittal of Review Plans Date:
- 6) Final Plan Submittal Date (See also “Buildable Units” Section 19)
- 7) Dates for submittal of all permits and any permit revisions needed for project
- 8) Anticipated approval dates for all permits needed for project
- 9) Schedule for Right of Way Acquisition (Critical Path): (See Section 11.1)
- 10) Schedule for Utility Relocation (Critical Path): (See Section 12.4)
- 11) \*Anticipated Construction Start Date (Start of Charging Work Days)
- 12) \*Anticipated Construction Completion Date (End of Charging Work Days)
- 13) Total Number of Work Days needed to complete construction.

\* This will be a “Working Day Contract” for construction of the project. It shall be the responsibility of the DBT to propose the number of Work Days needed to complete all phases of construction for the project. In general, Work Days for the project shall be charged in accordance with section 108 of the Standard Specifications. The Proposed Progress Schedule prepared by the DBT shall clearly explain the coordination used in development of the Schedule for Right of Way Acquisition (Critical Path) and the Schedule for Utility Relocation (Critical Path) needed to provide the Anticipated Construction Start Date. As detailed in Sections 11.1 and 12.4, the DBT shall supply the calendar days needed for these processes to take place and the calendar days needed to make adjustments when unforeseen circumstances develop in the Right of Way acquisition phase. Using the information supplied by the DBT, KYTC will make authorized adjustments to the DBT’s schedule to determine the “Actual Construction Start Date”. From this date on, regardless of the status of Right of Way acquisitions or utility relocations, KYTC will charge work days based upon the “construction item of work controlling the progress on the project. Right of Way and Utility Relocation issues will no longer be considered as controlling operations for the project. Please be advised that KYTC will not consider the “permit process (including reviews) as a controlling operation for any phase of the project. The time needed to obtain all necessary permits shall be incidental to the other phases of the project.

If the project is not completed upon expiration of the calendar days, with authorized adjustments, and the work days as supplied by the DBT in the proposal, including authorized adjustments, a special liquidated damages rate of \$3000 per day will be applied for each calendar day, including weekends and holidays, until the project is complete. Contrary to current specifications, the liquidated damages will be assessed through the winter months and during times when work on any items are prohibited due to seasonal limitations.

## **17.2 Innovation/Project Management**

This section shall contain information about the DBT’s proposal for completing the project. The Selection Committee will evaluate based on the following:

- Design Quality & Ideas

[REDACTED]

[REDACTED]

In the event the Department determines that any required submission is incomplete, contains inaccuracies which preclude a meaningful review, or does not adhere to the Governing Regulations listed in section 8.1 of this document, the Department will advise the DBT of the short comings and direct the DBT to revise and resubmit the plan. No time extension will be granted as a result of such action. The Department will schedule a review meeting or issue review comments as appropriate.

In the event the DBT believes that any review comment, or orders issued by the Department, require a change to the scope of the agreed work, the DBT shall first contact the Department for clarification and shall, within 10 days of receipt of the comments or orders, provide written notice to the District Project Manager and Project Engineer concerning the reasons why the DBT believes the scope has been changed.

**18.3 Plan Review Submission:** The Consultant shall submit detailed design plans for review by KYTC. These submission milestones must be shown on the Progress Schedule.

The Department shall have 14 calendar days from receipt to review complete submissions. This review time must be shown on the required Progress Schedule.

Following this review, the DBT shall correct any errors, incorporate modifications, perform required investigations and make related changes to the plans and supporting documents prior to submitting the plans for final review.

**Plan Review Distribution Table :** The DBT shall supply half size (11" x 17") paper prints simultaneously to the parties indicated below, except that **each affected utility company shall receive one full size (22"x34") plans**

	Number of half size Sets	Number of Full Size Sets
KYTC District Office	8	
KYTC Central Office, Division Of Design and Construction	3	
Each affected utility company	1	1 (with CD)

**18.4 Major Design Decision:** Separate submittals for concurrence with major design decisions made after the Conceptual Review are required. Major design decisions involve significant utility relocation, unforeseen acquisition of ROW, traffic operation or



geometric decisions that involve two or more viable solutions, and any other decision that impacts the public, operation of the facility or future maintenance.

When the DBT becomes aware of additional decisions during the course of the design, they must advise the District Project Manager in writing.

- 18.5 Final Plans In Hand Review Submission:** For each Buildable Unit the Consultant shall submit Final Plans In Hand detailed design plans as per the KYTC Design Manual for review. All submissions must be shown on the required Progress Schedule.

The Department shall have 14 calendar days from receipt to review complete submissions. This review time must be shown on the required Progress Schedule. Following the review, the DBT shall supply plans noted with the approved Revision Date clearly identified. The DBT shall correct errors, incorporate changes, perform investigations and make related changes to the plans and supporting documents prior to submitting the approved version of the construction plans.

Plan Review Distribution Table: The DBT shall supply half size (11" x 17") paper prints simultaneously to the parties indicated below except **that each affected utility company shall receive one full size (22"x34") plans:**

	Number of half size Sets
KYTC District Office	8
KYTC Central Office, Division Of Highway Design and Construction	3
Each affected utility company	1

- 18.6 Construction Plans:** After the review comments for the final plan review submission have been complied with, and following approval of the design documentation, the DBT shall prepare plan sets for use during construction. All review comments shall be resolved in writing by the DBT to the satisfaction of the Department before the DBT submits the construction plans. Each plan sheet shall have its last revised date noted on the sheet and clearly marked 'Approved for Construction'. Physical construction shall not begin until the plans marked 'Approved for Construction' are delivered to each party on the Plan Distribution Table below. No time extensions will be approved by the Project Manager if the plan distribution is not completed and project delays occur as a result. When applicable, FHWA shall be allowed 3 days for final review and approval of final construction plans. Plans Distribution Table : The DBT shall supply full size (22" x

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

If the table is approved, the DBT shall modify the Progress Schedule to show a separate group of activities for BU and these activities shall encompass all of the design, right of way acquisition, utility relocations needed, and construction work in each BU.

The Final Review Submission and construction plans shall specifically be identified by the Buildable Unit code. If the design of a BU requires input information from an adjacent or related BU, the source for that information in previously approved plans shall be cited or the DBT shall provide an estimated value of the data. The input data shall also be carefully identified. In the same way any assumption, calculations or results from the stage and BU which are used as input to another BU shall be similarly identified, and where appropriate, compared back to that BU to verify previous assumptions. Should assumptions not match values calculated later, the DBT shall re-analyze all affected components and determine appropriate changes. Should those elements have already been constructed, the DBT shall recommend repairs, adjustments, modifications or replacement of the existing work as necessary to comply with the Scope of Work. All costs for re-design, re-submissions, modifications, removals, disposal of materials and new work needed to remedy the project and bring it to compliance shall be borne by the DBT and no time extensions shall be approved for this.

## **19.2 Buildable Units and Project Schedule Requirements:**

For each Buildable Unit submitted by the DBT and approved by KYTC, the DBT shall be required to provide a separate comprehensive **Proposed Progress Schedule** as detailed in Section 17.1. In addition, the DBT must clearly define the role the “Buildable Unit” plays in the overall project schedule as it relates to the “critical path”. The DBT shall provide the “level of completeness” the buildable unit must attain before the buildable unit is no longer considered on the critical path for the project. As a part of this requirement, the DBT shall assign the number of work days anticipated for the buildable unit to reach the “level of completeness” desired. KYTC shall assess construction work days as detailed in Section 17.1 for each buildable unit until the desired “level of completeness” is reached.

## **20 INDEX OF ATTACHMENTS**

Appendix A: Pavement Design

Appendix B: Typical Sections

Appendix C: Nationwide Permit Conditions and Erosion Control Requirements

Appendix D: Utility Companies Contact List

Appendix E: Employment Wage, Record, and Insurance Requirements

Appendix F: Supplemental Specifications

Appendix G: Design Build Stipend Payment

Appendix H: KY 92 Traffic Data

## **Appendix A: Pavement Design**

**Pending**

**Appendix B: Typical Sections**

See Plans



## Appendix C: Nationwide Permit Conditions

### NATIONWIDE PERMIT CONDITIONS

**General Conditions:** The following general conditions must be followed in order for any authorization by a NWP to be valid:

1. **Navigation.** No activity may cause more than a minimal adverse effect on navigation.
2. **Proper Maintenance.** Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.
3. **Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.
4. **Aquatic Life Movements.** No activity may substantially disrupt the life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.
5. **Equipment.** Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.
6. **Regional and Case-By-Case Conditions.** The activity must comply with any regional conditions, which may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state or tribe in its Section 401 Water Quality Certification and Coastal Zone Management Act consistency determination.
7. **Wild and Scenic Rivers.** No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, US Forest Service, Bureau of Land Management, US Fish and Wildlife Service).
8. **Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
9. **Water Quality.** (a) In certain States and tribal lands an individual 401 water quality certification must be obtained or waived (See 33 CFR 330.4(c)).  
(b) For NWPs 12, 14, 17, 18, 32, 39, 40, 42, 43, and 44, where the State or tribal 401 certification (either generically or individually) does not require or approve a water quality management measures, the permittee must provide water quality management measures that will ensure that the authorized work does not result in more than minimal degradation of water quality (or the Corps determines that compliance with state or local standards, where applicable, will ensure no more than minimal adverse effect on water quality). An important component of a water quality management plan includes stormwater management that minimizes degradation of the downstream aquatic system, including water quality (Refer to General Condition 21 for stormwater management requirements). Another important component of a water quality management plan is the establishment and maintenance of vegetated buffers next to open waters, including streams (Refer to General Condition 19 for vegetated buffer requirements for the NWPs). This condition is only applicable to projects that have the potential to affect water quality. While appropriate measures must be taken, in most cases it is not necessary to conduct detailed studies to identify such measures or to require monitoring.
10. **Coastal Zone Management.** In certain states, an individual state coastal zone management consistency concurrence must be obtained or waived (see 33 CFR 330.4(d)).
11. **Endangered Species.** (a) No activity is authorized under any NWP, which is likely to jeopardize the continued existence of a threatened or endangered species, or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which will destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the FWS or NMFS, the District Engineer may add species-specific regional endangered species conditions to the NWPs.

(b) Authorization of an activity by a nationwide permit does not authorize the 'take' of a threatened or endangered species as defined under the Federal Endangered Species Act. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with 'incidental take' provisions, etc.) from the US Fish and Wildlife Service or the National Marine Fisheries Service, both lethal and non-lethal 'takes' of protected species are in violation of the Endangered Species Act. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the US Fish and Wildlife Service and National Marine Fisheries Service or their World Wide Web pages at <http://www.fws.gov/r9endspp/cndapp.html> and <http://www.nmfs.noaa.gov/prod/res/overview/es.html>, respectively.

12. **Historic Properties.** No activity, which may affect historic properties, listed, or eligible for listing, in the National Register of Historic Places is authorized, until the DE has complied with the provisions of 33 CFR part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

13. **Notification.** (a) **Timing:** Where required by the terms of the NWP, the prospective permittee must notify the District Engineer with a preconstruction notification (PCN) as early as possible. The District Engineer must determine if the PCN is complete within 30 days of the date of receipt and can request the additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the District Engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the District Engineer. The prospective permittee shall not begin the activity:

(1) Until notified in writing by the District Engineer that the activity may proceed under the NWP with any special conditions imposed by the District or Division Engineer; or

(2) If notified in writing by the District or Division Engineer that an individual permit is required; or

(3) Unless 45 days have passed from the District Engineer's receipt of the complete notification and the prospective permittee has not received written notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) **Contents of Notification:** The notification must be in writing and include the following information:

(1) Name, address, and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s), or individual permit(s) Used or intended to be Used to authorize any part of the proposed project or any related activity. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP (Sketches usually clarify the project and when provided result in a quicker decision); and

(4) For NWPs 7, 12, 14, 18, 21, 34, 38, 39, 40, 41, 42, and 43, the PCN must also include a delineation of affected special aquatic sites, including wetlands, vegetated shallows (e.g., submerged aquatic vegetation, seagrass beds), and riffle and pool complexes (see paragraph 13(f));

(5) For NWP 7, Outfall Structures and Maintenance, the PCN must include information regarding the original design capacities and configurations of those areas of the facility where maintenance dredging or excavation is proposed.

(6) For NWP 14, Linear Transportation Projects, the PCN must include a compensatory mitigation proposal to offset permanent losses of waters of the US and a statement describing how temporary losses of waters of the US will be minimized to the maximum extent practicable.

(7) For NWP 21, Surface Coal Mining Activities, the PCN must include an Office of Surface Mining (OSM) or state-approved mitigation plan. To be authorized by this NWP, the District Engineer must determine that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are minimal both individually and cumulatively and must notify the project sponsor of this determination in writing;

(8) For NWP 27, Stream and Wetland Restoration Activities, the PCN must include documentation of the prior condition of the site that will be reverted by the permittee.

(9) For NWP 29, Single-Family Housing, the PCN must also include:

(i) Any past use of this NWP by the individual permittee and/or the permittee's spouse;

(ii) A statement that the single-family housing activity is for a personal residence of the permittee;

(iii) A description of the entire parcel, including its size, and a delineation of wetlands. For the purpose of this NWP, parcels of land measuring 1/4 acre or less will not require a formal on-site delineation. However, the applicant shall provide an indication of



where the wetlands are and the amount of wetlands that exists on the property. For parcels greater than 1/4 acre in size, a formal wetland delineation must be prepared in accordance with the current method required by the Corps. (See paragraph 13(f));

(iv) A written description of all land (including, if available, legal descriptions) owned by the prospective permittee and/or the prospective permittee's spouse, within a one mile radius of the parcel, in any form of ownership (including any land owned as a partner, corporation, joint tenant, co-tenant, or as a tenant-by-the-entirety) and any land on which a purchase and sale agreement or other contract for sale or purchase has been executed;

(10) For NWP 31, Maintenance of Existing Flood Control Facilities, the prospective permittee must either notify the District Engineer with a PCN prior to each maintenance activity or submit a five year (or less) maintenance plan. In addition, the PCN must include all of the following:

(i) Sufficient baseline information so as to identify the approved channel depths and configurations and existing facilities.

Minor deviations are authorized, provided the approved flood control protection or drainage is not increased;

(ii) A delineation of any affected special aquatic sites, including wetlands; and,

(iii) Location of the dredged material disposal site.

(11) For NWP 33, Temporary Construction, Access, and Dewatering, the PCN must also include a restoration plan of reasonable measures to avoid and minimize adverse effects to aquatic resources.

(12) For NWP's 39, 43, and 44, the PCN must also include a written statement to the District Engineer explaining how avoidance and minimization of losses of waters of the US were achieved on the project site.

(13) For NWP 39 and NWP 42, the PCN must include a compensatory mitigation proposal that offsets unavoidable losses of waters of the US or justification explaining why compensatory mitigation should not be required. For discharges that cause the loss of greater than 300 linear feet of an intermittent stream bed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed;

(14) For NWP 40 (Agricultural Activities), the PCN must include a compensatory mitigation proposal to offset losses of waters of the US. This NWP does not authorize the relocation of greater than 300 linear-feet of existing serviceable drainage ditches constructed in non-tidal streams unless, for drainage ditches constructed in intermittent non-tidal streams, the District Engineer waives this criterion in writing, and the District Engineer has determined that the project complies with all terms and conditions of this NWP, and that any adverse impacts of the project on the aquatic environment are minimal, both individually and cumulatively;

(15) For NWP 43 (Stormwater Management Facilities), the PCN must include, for the construction of new stormwater management facilities, a maintenance plan (in accordance with state and local requirements, if applicable) and a compensatory mitigation proposal to offset losses of waters of the US. For discharges that cause the loss of greater than 300 linear feet of an intermittent streambed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed;

(16) For NWP 44, Mining Activities, the PCN must include a description of all waters of the US adversely affected by the project, a description of measures taken to minimize adverse effects to waters of the US, a description of measures taken to comply with the criteria of the NWP, and a reclamation plan (for aggregate mining activities in isolated waters and non-tidal wetlands adjacent to headwaters and any hard rock/mineral mining activities).

(17) For activities that may adversely affect Federally-listed endangered or threatened species, the PCN must include the name(s) of those endangered or threatened species that may be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work.

(18) For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the PCN must state which historic property may be affected by the proposed work or include vicinity map indicating the location of the historic property.

(c) Form of Notification: The standard individual permit application form (Form ENG 4345) may be used as the notification but must clearly indicate that it is a PCN and must include all of the information required in (b) (1)-(19) of General Condition 13. A letter containing the requisite information may also be used.

(d) District Engineer's Decision. In reviewing the PCN for the proposed activity, the District Engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. The prospective permittee may, optionally, submit a proposed mitigation plan with the PCN to expedite the process and the District Engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. If the District Engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, the District Engineer will notify the permittee and include any conditions the District Engineer deems necessary. Any compensatory mitigation proposal must be approved by the District Engineer prior to commencing work. If the prospective permittee is required to submit a compensatory mitigation proposal with the PCN, the proposal may be either conceptual or detailed. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the District Engineer will expeditiously review the proposed compensatory mitigation plan. The District Engineer must review the plan within 45 days of receiving a complete PCN and determine whether the conceptual or specific proposed mitigation would ensure no more than minimal

authorized under the NWP with specific modifications or conditions. Where the District Engineer determines that mitigation is required in order to ensure no more than minimal adverse effects on the aquatic environment, the activity will be authorized within the 45-day PCN period, including the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level. When conceptual mitigation is included, or a mitigation plan is required under item (2) above, no work in waters of the US will occur until the District Engineer has approved a specific mitigation plan.

(e) **Agency Coordination:** The District Engineer will consider any comments from Federal and State agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse effects on the aquatic environment to a minimal level.

For activities requiring notification to the District Engineer that result in the loss of greater than 1/2 acre of waters of the US, the District Engineer will, upon receipt of a notification, provide immediately (e.g., via facsimile transmission, overnight mail, or other expeditious manner), a copy to the appropriate offices of the Fish and Wildlife Service, State natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO), and, if appropriate, the National Marine Fisheries Service. With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the District Engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the District Engineer will wait an additional 15 calendar days before making a decision on the notification. The District Engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The District Engineer will indicate in the administrative record associated with each notification that the resource agencies' concerns were considered. As required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act, the District Engineer will provide a response to National Marine Fisheries Service within 30 days of receipt of any Essential Fish Habitat conservation recommendations. Applicants are encouraged to provide the Corps multiple copies of notifications to expedite agency notification.

(f) **Wetlands Delineations:** Wetland delineations must be prepared in accordance with the current method required by the Corps. For NWP 29 see paragraph (b)(9)(iii) for parcels less than 1/4 acre in size. The permittee may ask the Corps to delineate the special aquatic site. There may be some delay if the Corps does the delineation. Furthermore, the 45-day period will not start until the wetland delineation has been completed and submitted to the Corps, where appropriate.

**14. Compliance Certification.** Every permittee who has received a nationwide permit verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter. The certification will include: (a) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions; (b) A statement that any required mitigation was completed in accordance with the permit conditions; and (c) The signature of the permittee certifying the completion of the work and mitigation.

**15. Use of Multiple Nationwide Permits.** The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the US authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the US for the total project cannot exceed 1/3 acre.

**16. Water Supply Intakes.** No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.

**17. Shellfish Beds.** No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4.

**18. Suitable Material.** No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

19. **Mitigation.** The District Engineer will consider the factors discussed below when determining the acceptability of appropriate and practicable mitigation necessary to offset adverse effects on the aquatic environment that are more than minimal.

(a) The project must be designed and constructed to avoid and minimize adverse effects to waters of the US to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland impacts requiring a PCN, unless the District

Engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. Consistent with National policy, the District Engineer will establish a preference for restoration of wetlands as compensatory mitigation, with preservation used only in exceptional circumstances.

(d) Compensatory mitigation (i.e., replacement or substitution of aquatic resources for those impacted) will not be used to increase the acreage losses allowed by the acreage limits of some of the NWPs. For example, 1/4-acre of wetlands cannot be created to change a 3/4-acre loss of wetlands to a 1/2-acre loss associated with NWP 39 verification. However, 1/2-acre of created wetlands can be used to reduce the impacts of a 1/2-acre loss of wetlands to the minimum impact level in order to meet the minimal impact requirement associated with NWPs.

(e) To be practicable, the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of the overall project purposes. Examples of mitigation that may be appropriate and practicable include, but are not limited to: reducing the size of the project; establishing and maintaining wetland or upland vegetated buffers to protect open waters such as streams; and replacing losses of aquatic resource functions and values by creating, restoring, enhancing, or preserving similar functions and values, preferably in the same watershed.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., easements, deed restrictions) of vegetated buffers to open waters. In many cases, vegetated buffers will be the only compensatory mitigation required. Vegetated buffers should consist of native species. The width of the vegetated buffers required will address documented water quality or aquatic habitat loss concerns. Normally, the vegetated buffer will be 25 to 50 feet wide on each side of the stream, but the District Engineers may require slightly wider vegetated buffers to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the Corps will determine the appropriate compensatory mitigation (e.g., stream buffers or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where vegetated buffers are determined to be the most appropriate form of compensatory mitigation, the District Engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland impacts.

(g) Compensatory mitigation proposals submitted with the "notification" may be either conceptual or detailed. If conceptual plans are approved under the verification, then the Corps will condition the verification to require detailed plans be submitted and approved by the Corps prior to construction of the authorized activity in waters of the US.

(h) Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases that require compensatory mitigation, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

20. **Spawning Areas.** Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

21. **Management of Water Flows.** To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and provide for not increasing water flows from the project site, relocating water, or redirecting water flow beyond preconstruction conditions. Stream channelizing will be reduced to the minimal amount necessary, and the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows. In most cases, it will not be a requirement to conduct detailed studies and monitoring of water flow.

This condition is only applicable to projects that have the potential to affect waterflows. While appropriate measures must be taken, it is not necessary to conduct detailed studies to identify such measures or require monitoring to ensure their effectiveness. Normally, the Corps will defer to state and local authorities regarding management of water flow.

22. **Adverse Effects From Impoundments.** If the activity, including structures and work in navigable waters of the US or discharge of dredged or fill material, creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.

23. **Waterfowl Breeding Areas.** Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

24. **Removal of Temporary Fills.** Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

25. **Designated Critical Resource Waters.** Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, State natural heritage sites, and outstanding national resource waters or other waters officially designated by a State as having particular environmental or ecological significance and identified by the District Engineer after notice and opportunity for public comment. The District Engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Except as noted below, discharges of dredged or fill material into waters of the US are not authorized by NWP's 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, and 44 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Discharges of dredged or fill materials into waters of the US may be authorized by the above NWP's in National Wild and Scenic Rivers if the activity complies with General Condition 7. Further, such discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with General Condition 11 and the US Fish and Wildlife Service or the National Marine Fisheries Service has concurred in a determination of compliance with this condition.

(b) For NWP's 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with General Condition 13, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The District Engineer may authorize activities under these NWP's only after he determines that the impacts to the critical resource waters will be no more than minimal.

26. **Fills Within 100-Year Floodplains.** For purposes of this General Condition, 100-year floodplains will be identified through the existing Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps.

(a) *Discharges in Floodplain: Below Headwaters.* Discharges of dredged or fill material into waters of the US within the mapped 100-year floodplain, below headwaters (i.e. five cfs), resulting in permanent above-grade fills, are not authorized by NWP's 39, 40, 42, 43, and 44.

(b) *Discharges in Floodway: Above Headwaters.* Discharges of dredged or fill material into waters of the US within the FEMA or locally mapped floodway, resulting in permanent above-grade fills, are not authorized by NWP's 39, 40, 42, and 44.

(c) The permittee must comply with any applicable FEMA-approved state or local floodplain management requirements.

27. **Construction Period.** For activities the Corps has not verified that and the project were commenced or under contract to commence by the expiration date of the NWP (or modification or revocation date), the work must be completed within 12-months after such date (including any modification that affects the project).

For activities that have been verified and the project was commenced or under contract to commence within the verification period, the work must be completed by the date determined by the Corps.

For projects that have been verified by the Corps, an extension of a Corps approved completion date maybe requested. This request must be submitted at least one month before the previously approved completion date.

#### D. Further Information

1. District engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWP's do not obviate the need to obtain other Federal, State, or local permits, approvals, or authorizations required by law.
3. NWP's do not grant any property rights or exclusive privileges.
4. NWP's do not authorize any injury to the property or rights of others.
5. NWP's do not authorize interference with any existing or proposed Federal project.

**Section 10 Special Condition:** The permittee understands and agrees that, if future operations by the US require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or its authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structure work or obstructions caused thereby, without expense to the US. No claim shall be made against the US on account of any such removal or alteration.

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**SPECIAL NOTE FOR EROSION CONTROL**  
**McCreary and Whitley Co. Item No. 8-261.20 and 11-279.10**

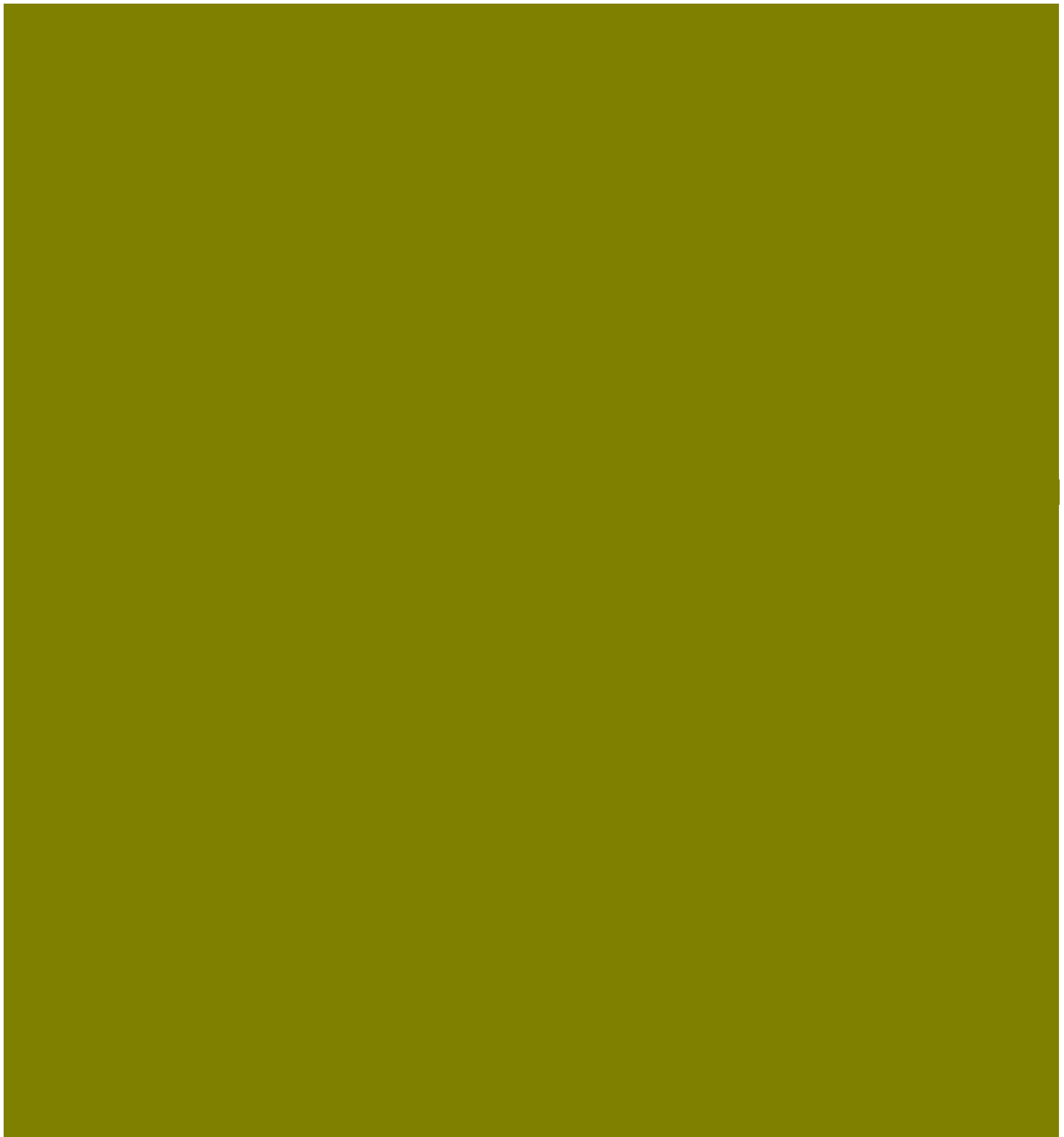
Erosion for this project must be strictly controlled due to the potential for adversely affecting the Marsh Creek watershed as well as potential habitat for various endangered species. The requirements included in this note are in **addition** to all conditions and measures included in KY Standard Specifications for Road & Bridge Construction (i.e. Sections 212 & 213), KPDES General Storm Water Permit, Water Quality Certification, Department of Army Permits, erosion control plans, etc.

Contractor shall furnish and maintain equipment, in working condition, on project site capable of applying temporary mulch and tackifier in accordance with Section 213 of the Standard Specifications. This equipment shall remain on site continuously from the time clearing and grubbing begins until final permanent seeding/protection on project is complete. There will be no direct payment for this item; costs associated to this will be incidental to erosion control and earthwork bid items. Contractor shall make provisions for appropriate manpower and materials to complete temporary mulching of all areas designated by the Engineer within seven (7) calendar days of written notification. There is no exception for seasonal conditions, weather conditions, etc. Failure to complete all directed mulching within 7 calendar days will result in the assessment of Special Liquidated Damages at the rate of \$3,000.00/day for each day (or fraction of day), over the 7 days allowed, until the specified work is completed.

There will be no limit (maximum or minimum) on the number of occurrences required or on size of areas to be mulched. Frequency of erosion control protection operations will be at the discretion of the Department and will not be solely based on, or limited to, the normal 14 day inactivity threshold.

Progressive permanent seeding and protection is required per Section 212.03.03 of the Standard Specifications. There will be no pay for temporary measures (seeding or mulching) required as a result of failure to dress and permanent seed/protect areas in compliance with this specification. Additionally, the time requirements and Special Liquidated Damages as described in paragraph two of this note would apply to this temporary protection.

6/25/07







## Appendix E:

### Employment Wage, Record, and Insurance Requirements

The DBT shall be required to utilize the appropriate project wage rates for this project. The wage rates applicable to this project can be obtained from the Division of Contract Procurement. **A schedule of the applicable final wage rates for this project may be obtained from the Division of Contract Procurement no earlier than September 7, 2007.** The DBT may contact Division of Contract Procurement for approximate wage rates prior to this date. Attached please find project wage rates that may be used for information only.



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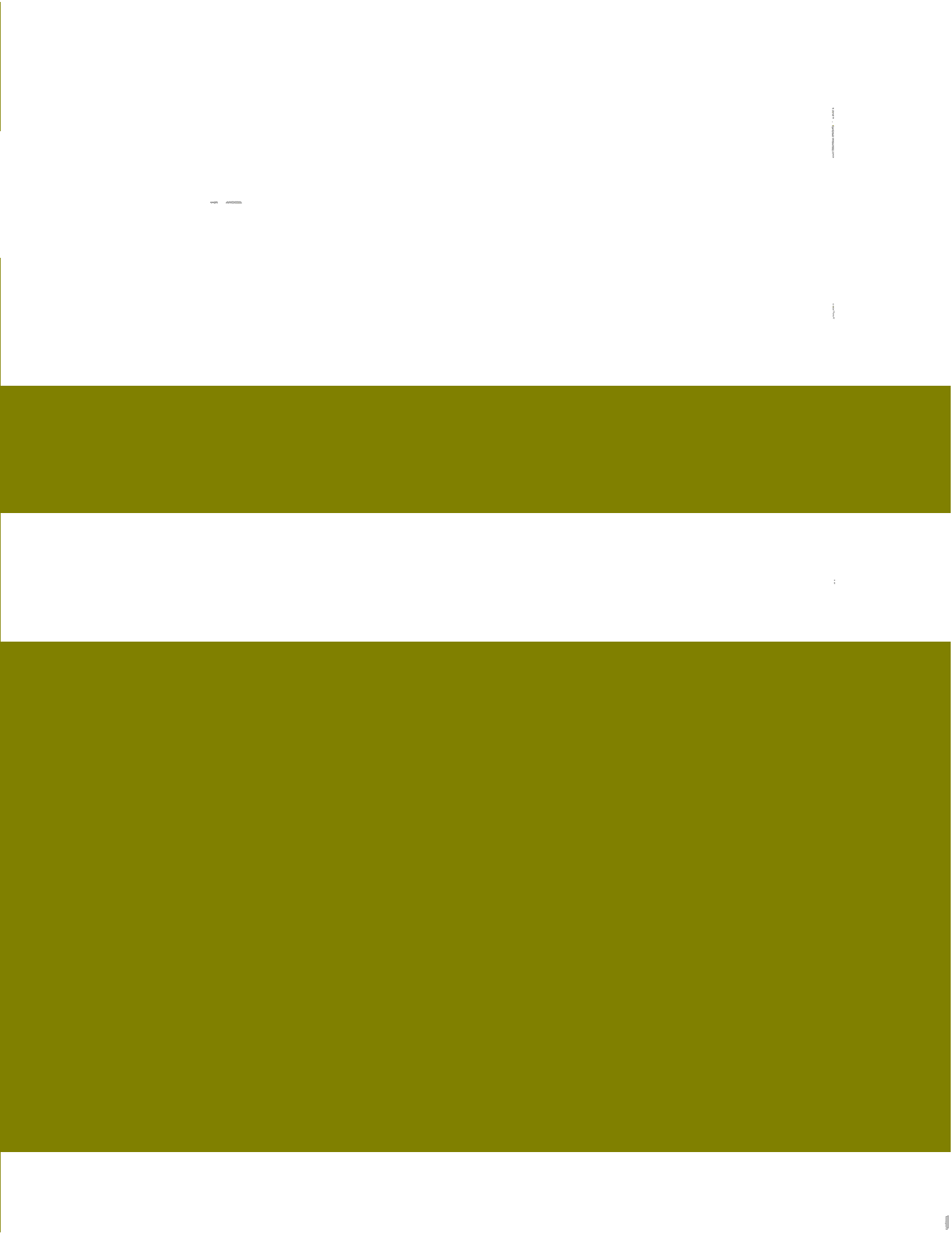
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TRANSPORTATION CABINET

**DISTRICT 11**

Various Routes in Whitley County only

Design Build

**OPERATING ENGINEERS: (continued)**

tugger, backfiller, gurry, self-propelled compactor, self-contained hydraulic percussion drill.

**BASE RATE** .....20.25  
**FRINGE BENEFITS** .....7.80

All air compressors (200 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, tractor (50 H.P. and over), bull float, finish machine, outboard motor boat, brakeman, whirly oiler, tractor and road widening trencher, articulating trucks, mechanic helper, (State).

**BASE RATE** .....18.50  
**FRINGE BENEFITS** .....7.80

Greaser on grease facilities servicing heavy equipment

**BASE RATE** .....18.35  
**FRINGE BENEFITS** .....7.80

Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, tamping machine, tractors (under 50 H.P.), vibrator, oiler, air compressors (under 200 cu. ft. per min. capacity), concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler, hydraulic post driver.

**BASE RATE** .....17.76  
**FRINGE BENEFITS** .....7.80

Fringe benefit amounts are applicable for all hours worked except when otherwise noted.

No laborer, workman or mechanic shall be paid at a rate less than that of the General Laborer except those classified as bona fide apprentices.

These rates are listed pursuant to the Kentucky Determination No. CR-05-II-HWY dated May 16, 2006 and/or Federal Decision No. KY 20070026 dated February 9, 2007.

NOTE: Both Kentucky Determination No. CR-05-II-HWY and Federal Decision No. KY20070026 dated February 9, 2007 apply to this project. This set of wage rates contains a combination of these two wage decisions.

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[REDACTED]

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[REDACTED]

## **Appendix F: Supplemental Specifications**



Revision  
Continued

109.07.02 Fuel. The Department will adjust the Contractor's compensation when the average price of diesel fuel increases or decreases more than 5 percent and the original Contract quantity for the item on which the fuel is consumed is equal to or greater than the threshold quantities listed in the following table.

<u>Item</u>	<u>Threshold Quantity</u>	<u>Fuel/Work</u>
Roadway Excavation	10,000 cubic yards	0.25
Embankment-in-Place	10,000 cubic yards	0.25
Borrow Excavation	10,000 cubic yards	0.25
DGA Base or Crushed Stone Base	5,000 tons	0.52
Stabilized Aggregate Base	5,000 tons	0.52
Drainage Blanket, Cement Treated or Untreated	5,000 tons	0.52
Drainage Blanket, Asphalt Treated	5,000 tons	3.00
Crushed Sandstone Base (Cement Treated)	5,000 tons	0.52
Hot-Mixed Asphalt Mixtures for Pavements or Shoulders	3,000 tons <sup>(1)</sup>	3.00
PCC Pavement, Base, or Shoulders	2,000 square yards <sup>(2)</sup>	0.14

<sup>(1)</sup>Total of all hot mixed asphalt Contract items.

<sup>(2)</sup>Total of all JPC pavement, JPC shoulder, and PCC base, Contract items.

The Department will determine the price adjustment using the following formulas:

When PC is greater than PL

Fuel Price Adjustment =  $Q \times F \times PL \times [(PC-PL)/PL - 0.05]$

When PC is less than PL

Fuel Price Adjustment =  $Q \times F \times PL \times [(PC-PL)/PL + 0.05]$

Where:

Q = Quantity for applicable item placed or performed that month.

F = The fuel to work unit ratio for each applicable item.

PL = Average reseller price of diesel fuel, excluding taxes, discounts, and superfund line items, in the Kentucky region for the month that the Contract is let.

PC = Average reseller price of diesel fuel, excluding taxes, discounts, and superfund line items, in the Kentucky region for the month that the Contractor uses the fuel on the project.

109.07.03 Payments and Deductions. When thresholds are met, the Department will adjust the Contractor's compensation for each eligible pay item, paid or deducted, monthly.

If later price decreases indicate that the Department made an overpayment, the Department will withhold the overpayment from succeeding pay estimates on the project, or the Contractor shall immediately refund the over payment to the Department.

When the Contractor places materials during any month after the month that the Contract time (including all approved time extensions) expires, the Department will use the average price for the month that the Contractor places the material or the average price for the last month of the Contract time; whichever is least.

The Department will not grant a time extension for any overrun in the Contract amount due to payments made according to this section. The Department will not make any additional compensation due to adjustments made according to this section.

The Department will adjust the Contractor's compensation on the following months pay estimate and on the final pay estimate. The Department will make the final adjustment of the Contractor's compensation on the final estimate for the project.

**SUBSECTION:** 110.01 MOBILIZATION.

**REVISION:** Replace the third paragraph with the following:

Do not bid an amount for Mobilization that exceeds 5 percent of the sum of the total amounts bid for all items in the Bid Proposal, excluding Mobilization, Demobilization, and contingent amounts established for adjustments and incentives. The Department will automatically adjust any bids in excess of this amount to 5 percent for bid comparisons. The Department will base the award on the maximum allowable bid of 5 percent. If any errors in unit bid prices for other Contract items in a Contractor's Bid Proposal are discovered after bid opening and such errors reduce the total amount bid for all other items, excluding Mobilization, Demobilization, and contingent amounts established for adjustments and incentives, so that the percent bid for Mobilization is larger than 5 percent, the Department will adjust the amount bid for Mobilization to 5 percent of the sum of the corrected total bid amounts.

**SUBSECTION:** 110.02 DEMOBILIZATION.

**REVISION:** Replace the first sentence of the third paragraph with the following:

Do not bid an amount for Demobilization that is less than 1.5 percent of the sum of the total amounts bid for all other items in the Bid Proposal, excluding Mobilization, Demobilization, and contingent amounts established for adjustments and incentives.

**SUBSECTION:** 206.03.03 Compaction.

**REVISION:** Replace "KM 64-412" with "KM 64-002"

**SUBSECTION:** 212.03.03 Permanent Seeding and Protection.

**PART:** B) Procedures for Permanent Seeding.

**REVISION:** Add the following after the fourth sentence:

Unless the Engineer directs otherwise, track all slopes 3:1 or greater. Ensure that tracking is performed up and down and not across.

**SUBSECTION:** 213.03.01 Best Management Practices (BMP).

**REVISION:** Replace the third sentence of the first paragraph with the following:

Ensure that the BMP provides storage for 3,600 cubic feet of water per surface acre disturbed.

**SUBSECTION:** 213.03.03 Inspection and Maintenance

**REVISION:** Replace both "0.1-inch" references with "0.5-inch".

**SUBSECTION:** 213.03.05 Temporary Control Measures.

**PART:** B) Silt Checks.

**REVISION:** B) Silt Checks. Use one of the following types:

- 1) Silt Check Type II - Crushed stone such as cyclopean stone riprap, quarry run stone, or other size material approved by the Engineer, dumped in place and shaped to the configuration required.
- 2) Silt Check Type III - Blasted or broken rock dumped in place and shaped to the configuration required.

Remove and properly dispose of sediment deposited at silt checks as necessary. When no longer needed, remove the silt checks and dispose of surplus materials as excavated materials according to Section 204. Seed and protect the entire area disturbed, as directed. Do not leave silt checks in place after completion of the project unless allowed by the Engineer or specified in the Plans.

**SUBSECTION:** 213.03.05 Temporary Control Measures.

**PART:** G) Temporary Mulch.

**REVISION:** Replace the last sentence with the following:

Place temporary mulch to an approximate 2-inch loose depth (2 tons per acre) and a soil tackifier.

**SUBSECTION:** 213.04.15 Temporary Silt Ditch.

**REVISION:** Replace with the following:

The Department will measure the quantity in linear feet.



**SUBSECTION:** 213.04 MEASUREMENT.  
**REVISION:** Add the following Subsection:

213.04.24 Clean Temporary Silt Ditch. The Department will measure the quantity in linear feet along the ditch line.

**SUBSECTION:** 213.05 PAYMENT.  
**REVISION:** Add the following lines:

20594 Temporary Silt Ditch Linear Foot  
20601 Clean Temporary Silt Ditch Linear Foot

**SUBSECTION:** 303.03.01 Mixture  
**PART:** C) Cement Treated Mixture.  
**REVISION:** Delete the "For asphalt pavements" from the second paragraph.

**SUBSECTION:** 303.03.01 Mixture  
**PART:** C) Cement Treated Mixture.  
**REVISION:** Delete requirement "2".

**SUBSECTION:** 402.03.02 Acceptance.  
**PART:** D) Testing Responsibilities.  
**NUMBER:** 4) Density.  
**REVISION:** Replace the first sentence of the third paragraph with the following:

For surface mixtures placed on driving lanes and ramps, furnish 2 cores per subplot to the nearest laboratory facility (Contractor or Department lab) for density determination by the Engineer.

**SUBSECTION:** 402.03.02 Acceptance.  
**PART:** H) Unsatisfactory Work.  
**NUMBER:** 1) Based on Lab Data.  
**REVISION:** Replace the "AASHTO MP2" references in the second paragraph with "AASHTO M 323".

**SUBSECTION:** 402.04 MEASUREMENT.  
**REVISION:** Replace the last sentence with the following:

The Department will not measure construction of rolled rumble strips or pavement wedge texturing for a pavement and will consider them incidental to the asphalt mixture.

**SUBSECTION:** 402.04.01 Weight.  
**REVISION:** Replace first sentence of the second paragraph with the following:

The Department will determine the bulk, oven-dry specific gravity for the fine and coarse aggregates according to KM64-605 and AASHTO T 85, respectively.

**SUBSECTION:** 402.04.02 Thickness on New Construction.  
**REVISION:** Delete the third paragraph and add the following at the end of the subsection:

The Department will not measure initial thickness check coring or coring of corrective work for a pavement and will consider it incidental to the asphalt mixture.

**SUBSECTION:** 402.05.02  
**PARTS:** Lot Pay Adjustment Schedule, Compaction Option A, Base and Binder Mixtures  
Lot Pay Adjustment Schedule, Compaction Option A, Surface Mixtures  
Lot Pay Adjustment Schedule, Compaction Option B Mixtures  
**REVISION:** Replace the VMA table with the following:

VMA	
Pay Value	Deviation From Minimum VMA
1.00	≤ 0.5 below min.
0.95	0.6-1.0 below min.
0.90 <sup>(*)</sup>	1.1-1.5 below min.
..... (*)	> 1.5 below min.

**SUBSECTION:** 403.03.03 Preparation of Mixture.  
**PART:** A) Mixture Composition.  
**REVISION:** Replace the “AASHTO MP2” reference in the first paragraph with “AASHTO M 323”.

From the appropriate requirements list, delete 3 T e C.

**SUBSECTION:** 403.03.03 Preparation of Mixture.  
**PART:** C) Mix Design Criteria.  
**REVISION:** Replace the “AASHTO MP2” references with “AASHTO M 323”.

Replace the “AASHTO PP28” references in the second paragraph with “AASHTO R 35”.

**SUBSECTION:** 403.03.03 Preparation of Mixture.  
**PART:** C) Mix Design Criteria.  
**NUMBER** 1) Preliminary Mix Design.  
**REVISION:** Add the following footnote to the table and associate it with the ESAL’s field “<0.3”:

\* For CL1 ASPH SURF 0.38D PG64-22 only

**SUBSECTION:** 403.03.06 Thickness Tolerances.  
**PART:** B) New Construction.  
**REVISION:** Replace the first paragraph with the following:

Under the Engineer’s supervision, perform coring for thickness checks according to KM 64-420, as soon as practical after completion of all, or a major portion, of the asphalt base. The Engineer will measure the cores. Fill all core holes either with compacted asphalt mixture or non-shrink grout. Complete all remedial overlay work before placing the final course.

**SUBSECTION:** 403.03.08 Rumble Strips.  
**REVISION:** Replace with the following:

403.03.08 Shoulder Rumble Strips and Pavement Wedge Texturing.

A) Shoulder Rumble Strips.

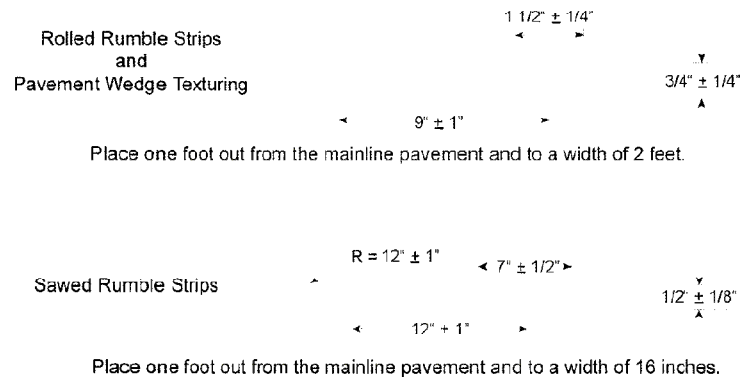
1) Interstates and Parkways. Construct sawed rumble strips on all mainline shoulders to the dimensions shown below. Do not place rumble strips on ramps.

2) Other Roads. Construct rolled rumble strips on shoulders of facilities with posted speed limits greater than 45 MPH. Unless specified in the plans or directed by the Engineer, do not construct rumble strips on facilities with posted speed limits of 45 MPH or less.

Construct rolled rumble strips on mainline shoulders to the dimensions shown below. On shoulders less than 3 feet wide, shorten the width and distance of the strips as the Engineer directs. Time the rolling operation so indentations are at the specified size and depth without causing unacceptable displacement of the asphalt mat. Correct unacceptable rolled rumble strips by sawing.

B) Pavement Wedge Texturing. Perform texturing on all pavement wedges constructed monolithically with the mainline or constructed using a surface mixture. When furnishing Asphalt Mixture for Pavement Wedge, binder, or a base mixture for the wedge, the Department will not require texturing.

Texture to the dimensions shown below. On wedges less than 3 feet, shorten the length and distance of the texturing as the Engineer directs. Time the rolling operation so indentations are at the specified size and depth without causing unacceptable displacement of the asphalt mat.



**SUBSECTION:** 403.04.03 Asphalt Mixtures.  
**REVISION:** Replace the second sentence with the following:

The Department will not measure rolled rumble strips or pavement wedge texturing for payment and will consider them incidental to this bid item.

**SUBSECTION:** 403.04.07 Sawed Rumble Strips.  
**REVISION:** Add the following subsection:

403.04.07 Sawed Rumble Strips. The Department will measure the quantity in linear feet. When rolled in rumble strips are specified, the Department will not measure sawed rumble strips for payment and will consider them incidental to the asphalt mixture.

**SUBSECTION:** 403.05 PAYMENT  
**REVISION:** Add the following bid item:

<u>Code</u>	<u>Pay Item</u>	<u>Pay Unit</u>
20362	Shoulder Rumble Strips – Sawed	Linear Foot

**SUBSECTION:** 501.03.20 Opening to Public Traffic.  
**REVISION:** Delete the last sentence of the first paragraph.  
**SUBSECTION:** 501.03.21 Tolerance in Pavement Thickness.  
**REVISION:** Add the following:

Core the pavement as the Engineer directs.  
**SUBSECTION:** 501.04.06 Thickness.  
**REVISION:** Add the following:

The Department will not measure coring for payment and will consider it incidental to the concrete materials.

**SUBSECTION:** 502.03 CONSTRUCTION.  
**PART:** C) Curing and Protecting Pavement.  
**NUMBER:** 3)  
**REVISION:** Replace the last sentence with the following:

The Department will allow permanent removal of the cover when the concrete attains the required minimum strength of 3,000 psi.

**SUBSECTION:** 502.03 CONSTRUCTION.  
**PART:** D) Strength Testing and Opening to Traffic.  
**NUMBER:** 2) Testing.  
**REVISION:** Replace the second paragraph with the following:

When the average compressive strength is 3,000 psi, the Department will allow the pavement to be opened to traffic and will test the remaining sets of cylinders at the required age. When the average compressive strength is less than 3,000 psi at the required age, do not open the pavement to traffic until the pavement has been in place for 7 days. The Engineer may accept the pavement based on additional testing.

**SUBSECTION:** 503.03.09 Ride Quality.  
**REVISION:** Replace parts 5) and 6) with the following:

- 5) Perform corrective work to achieve the required IRI by regrounding the entire width of the traffic lane at areas having a high IRI. The Engineer may exclude pavement areas where grinding alone will not correct deficiency.
- 6) The Department will create a strip chart when the test results show that the IRI is greater than 60 or upon request for lower IRI values.

**SUBSECTION:** 601.03.02 Concrete Producer Responsibilities.  
**REVISION:** Replace the first sentence with the following:

Use a concrete producer from the List of Approved Materials when the quantity of concrete delivered to the project in a plastic condition is 250 cubic yards or more.

Ensure that the concrete producer complies with the following requirements:

**SUBSECTION:** 601.03.02 Concrete Producer Responsibilities.  
**PART:** C) Quality Control.  
**REVISION:** Replace the first paragraph with the following:

Take full responsibility for the batch weight calculations and quality control of concrete mixtures at the plant. Ensure that the Level II concrete technician is present when work is in progress and is responsible for inspecting trucks, batch weight calculations, monitoring batching, making mixture adjustments, reviewing the slump, air content and unit weight tests, and monitoring the concrete temperature, all to provide concrete to the project conforming to specifications. A Level I concrete technician is responsible for testing production material for slump, entrained air, unit weight and temperature of the mixture. Ensure the technician performs all sampling and testing according to the appropriate Kentucky Methods.

**SUBSECTION:** Delete the third paragraph.  
601.03.02 Concrete Producer Responsibilities.  
**PART:** F) Records.  
**REVISION:** Retain all concrete technician records, test results and batch tickets pertaining to concrete produced for a Department project for at least 3 years after formal acceptance of the project. Make all records available to the Engineer and the Contractor on the project for review upon request.

**SUBSECTION:** 601.03.02 Concrete Producer Responsibilities.  
**PART:** G) Mix Designs.  
**REVISION:** Replace the last sentence of the first paragraph with the following:

Before producing any concrete for the project, submit a proposed mixture design to the Engineer and obtain the District Materials Engineer's or the Central Office Materials' approval.

**SUBSECTION:** 601.03.02 Concrete Producer Responsibilities.  
**PART:** G) Mix Designs.  
**NUMBER:** 1) New Mixture Designs.  
**REVISION:** Replace the first sentence with the following:

Base the proposed mix design on standard Department methods unless the District Materials Engineer, or Central Office Materials approves otherwise.

**SUBSECTION:** 601.03.02 Concrete Producer Responsibilities.  
**PART:** G) Mix Designs.  
**NUMBER:** 1) Changes in Approved Mix Designs.  
**REVISION:** Replace the second sentence with the following:

The District Materials Engineer or Central Office Materials will provide an average value of the specific gravity and absorption.

**SUBSECTION:** 601.03.02 Concrete Producer Responsibilities.  
**PART:** G) Mix Designs.  
**NUMBER:** 3) Changes in Approved Mix Designs.  
**LETTER:** g)  
**REVISION:** Replace the fourth and fifth sentence with the following:

Central Office Materials will observe all phases of the trial batches. Have the producer submit a report containing mix proportions and test results for slump, air content, water/cement ratio, unit weight, and compressive strength for each trial batch to the Engineer for Central Office Materials review and approval.

**SUBSECTION:** 601.03.02 Concrete Producer Responsibilities.  
**PART:** G) Mix Designs.  
**NUMBER:** 2) Approval.  
**REVISION:** Replace the first sentence with the following:

The District Materials Engineer or Central Office Materials will base approval of the mixture design on the following criteria:

**SUBSECTION:** 601.03.02 Concrete Producer Responsibilities.

**PART:** G) Mix Designs.

**NUMBER:** 3) Changes in Approved Mix Designs.

**REVISION:** Replace the first sentence with the following:

Do not change the source of supply of the mixture ingredients without the District Materials Engineer's or Central Office Materials written permission.

Replace the third sentence with the following:

Upon the District Materials Engineer's or Central Office Materials written approval, the Department will allow the use of aggregate from the new source.

**SUBSECTION:** 601.03.03 Proportioning and Requirements.

**PART:** A) Concrete.

**TABLE:** INGREDIENT PROPORTIONS AND REQUIREMENTS FOR VARIOUS CLASSES OF CONCRETE

**REVISION:** Under Class of Concrete replace "A"AA<sup>(9)</sup>" with "AAA<sup>(8)</sup>"

**SUBSECTION:** 601.03.03 Proportioning and Requirements.

**PART:** A) Concrete.

**FOOTNOTE:** (6)

**REVISION:** Add the following after the first sentence of the first paragraph:

For products with voids, the slump may be increased to 7 inches.

Replace the "0.3" requirement for Spring and Fall mix designs with "0.37".

**SUBSECTION:** 601.03.03 Proportioning and Requirements.

**PART:** A) Concrete.

**FOOTNOTE:** (7)

**REVISION:** Replace with the following:

The precast fabricator may increase the slump of Class A concrete to a maximum of 7 inches provided the fabricator uses a high range water reducer (Type F and G) and maximum water/cement ratio of 0.46.

**SUBSECTION:** 601.03.03 Proportioning and Requirements.

**PART:** E) Measuring.

**NUMBER:** 3) Water.

**REVISION:** Delete the last sentence of the second paragraph.

**SUBSECTION:** 601.03.03 Proportioning and Requirements.

**PART:** E) Measuring.

**NUMBER:** 4) Measuring Admixtures.

**REVISION:** Replace with the following:

4) Measuring Admixtures. Introduce liquid admixtures into the concrete batch along with, or as part of, the mixing water. Keep air-entraining admixtures completely separate from all other admixtures until introduction into the batch. Maintain and equip dispensing equipment to ensure no chlorides are introduced into any Department mix.

Use approved dispensing equipment with a meter, gauge, or scale that can accurately be pre-set for the needed amount of admixture and can consistently deliver quantities of admixture to successive batches at any setting with satisfactory accuracy. The dispensing equipment must be visible to the batch operator if the actual dispensed amounts are not recorded on the computer batch ticket. Ensure admixture dispensers are inspected, calibrated and certified every 6 months.

The Department may allow admixtures to be added, to the truck, at the project site provided the Engineer's approval is obtained first.

**SUBSECTION:** 601.03.04 Classes and Primary Uses.  
**REVISION:** Add the following part:

R Dr Cast. Precast units.

**SUBSECTION:** 601.03.05 Admixtures.  
**REVISION:** Replace the last sentence of the fourth paragraph with the following:

Store admixtures where the liquid temperatures can be maintained between 32 and 110 °F.

**SUBSECTION:** 601.03.09 Placing Concrete.  
**PART:** D) Weather Limitations and Protection.  
**REVISION:** Delete the last sentence of paragraph two.

**SUBSECTION:** 605.03 CONSTRUCTION.  
**REVISION:** Insert the following sentence after the first sentence:

Ensure all non-composite box beam concrete contains an approved corrosion inhibitor from the List of Approved Materials.

**SUBSECTION:** 605.03.03 Casting.  
**REVISION:** Delete the first sentence in the first paragraph.

Add the following after the first sentence of the third paragraph:

Do not vibrate Self-Consolidating Concrete (SCC).

**SUBSECTION:** 605.03.04 Tack welding.  
**REVISION:** Replace the first sentence with the following:

When tack welding steel reinforcement, use ASTM A 706 steel and conform to the following conditions.

**SUBSECTION:** 605.03.04 Tack Welding.  
**NUMBER:** 3)  
**REVISION:** Replace the first sentence with the following:

Tack weld only at intersections of bars except do not tack weld in any bend or within 2 bar diameters of a bend.

**SUBSECTION:** 605.03.04 Tack Welding.  
**NUMBER:** 5)  
**REVISION:** Replace the last sentence with the following:

Each sample must meet the minimum requirement for elongation, ductility, tensile and yield strength of the bar stock.

**SUBSECTION:** 605.03.04 Tack Welding.  
**NUMBER:** 6)  
**REVISION:** Delete the last sentence.

**SUBSECTION:** 605.03.04 Tack Welding.  
**REVISION:** Change footnote "4 d" to "5"

**SUBSECTION:** 605.03.07 Removal of Forms and Surface Finish.  
**REVISION:** Add the following sentence before the last sentence of the paragraph:

Finish dry cast products according to the Precast/Prestressed Concrete Manual.

**SUBSECTION:** 611.02.01 Concrete.  
**REVISION:** Replace with the following:

Conform to Subsections 601.02 and 601.03 and the Precast/Prestress Concrete Manual.

**SUBSECTION:** 611.03.02 Precast Unit Construction.  
**REVISION:** Replace "AASHTO C 1433" with "ASTM C 1433"

**SUBSECTION:** 611.03.02 Precast Unit Construction.  
**NUMBER:** 2)  
**REVISION:** Replace with the paragraph with the following:

Mark all box culverts sections with the following information on the inside top of each section with letters no less than 2 inches high:

- a) Span, rise, maximum and minimum design earth cover, and KY Table 3.
- b) Date of manufacture.
- c) Name and trademark of the manufacturer.

For entrance and exit box sections, indent the required information. Mark interior sections by indenting or with water roof aint.

**SUBSECTION:** 701.02.05 Backfill Materials.  
**PART:** A) Granular Backfill.  
**NUMBER:** 1)  
**REVISION:** Remove "A2" from the list of acceptable materials.  
**SUBSECTION:** 701.03.03 Pipe Bedding.  
**REVISION:** Replace with the following:

701.03.03 Pipe Bedding.

A) Reinforced Concrete Pipe. Construct bedding according to the Standard Drawings and this section.

- 1) Type 1 Installation. When working on a rock foundation, place bedding to a depth of 6 inches or equal to  $B_c/12$ , the pipe diameter in inches divided by 12, whichever is greater. For all other foundations, place a minimum of 4 inches of bedding. Shape the bedding to conform to the invert shape throughout the entire width and length of the proposed structure. Compact the bedding, but leave the center third of the pipe diameter ( $B_c/3$ ) uncompacted. Place and compact additional bedding material in lifts 6 inches or less to an elevation of 0.30 the culvert diameter.
- 2) Type 4 Installation. When working on a rock foundation, place bedding to a depth of 6 inches or equal to  $B_c/12$ , the pipe diameter in inches divided by 12, whichever is greater. For all other foundations, place a minimum of 4 inches of bedding.

B) Corrugated Metal, Thermoplastic, and Structural Plate Pipe. Place and compact bedding to provide 4 inches of bedding below the outside invert of the pipe after shaping. Shape the bedding to conform to the invert shape throughout the entire width and length of the proposed structure. Place and compact additional bedding material in lifts 6 inches or less to an elevation of 0.30 the culvert diameter.

**SUBSECTION:** 701.03.06 Initial Backfill.  
**PART:** A) Reinforced Concrete  
**REVISION:** Replace with the following:

A) Reinforced Concrete Pipe.

- 1) Type 1 Installation. When the top of the pipe is not within one pipe diameter of the subgrade, backfill with granular backfill, additional bedding material, or flowable fill from the top of the bedding to an elevation equal to  $1/2$  the pipe diameter, and either granular backfill, flowable fill, or embankment material in 6-inch lifts to an elevation of one-foot above the pipe.
- 2) Type 4 Installation. Backfill from the top of the bedding with granular backfill, flowable fill, or embankment material in 6-inch lifts to an elevation of one-foot above the pipe. The Department will allow Type 4 installations for median drains and pipe installations located 35 feet or more from the edge of shoulder, back of curb, or an paved surface.



**SUBSECTION:** 701.05 PAYMENT.  
**REVISION:** Replace bid item “2599 Fabric-Geotextile, Type IV Square Yard” with “21433ES214 Fabric-Geotextile, Type IV for Pipe Square Yard<sup>(2)</sup>.”

Replace foot note “\*\* The unit bid price is \$2.00 per square yard for Geotextile Fabric, Type III” with “<sup>(2)</sup>The unit price is \$2.00 per square yard for Fabric-Geotextile, Type IV for Pipe”

**SUBSECTION:** 710.02.15 Plastic Adjusting Rings.  
**REVISION:** Replace this section with:

710.02.15 Plastic or Rubber Adjusting Rings. Provide plastic or rubber adjusting rings that are on the Department’s List of Approved Materials.

**SUBSECTION:** 710.03.03 Adjusted Small Drainage Structures.  
**REVISION:** Replace the last sentence of the first paragraph:

For plastic or rubber adjusting rings, install and seal according to the manufacturer’s recommendations.

**SUBSECTION:** 711.02 MATERIALS.  
**REVISION:** Replace with the following:

Conform to the Contract requirements.

**SUBSECTION:** 713.03 CONSTRUCTION.  
**REVISION:** Add the following after the third paragraph:

Offset longitudinal lines at least 2 inches from longitudinal pavement construction joints. Offset longitudinal lane lines on multi-lane highways 2 inches towards the median.

**SUBSECTION:** 714.03.06 Proving Period for Durable Markings.  
**PART:** B) Failure.  
**REVISION:** Replace the first sentence with the following:

During the proving period, the Department will consider markings defective when the retroreflectivity falls below the minimum required or the material fails to meet the other requirements of A) above. Additionally, when more than 10 percent of any one-mile section or individual gore area is defective, the Department will consider the entire section defective.

**SUBSECTION:** 716.03.08 Testing.  
**REVISION:** Replace “10 megohms” with “100 megohms”

**SUBSECTION:** 723.03 CONSTRUCTION.  
**REVISION:** Replace the first sentence of the fourth paragraph with the following:

Set right-of-way markers within 12 inches of the right-of-way line.

**SUBSECTION:** 724.02.01 Plants.  
**REVISION:** Replace the reference “American Association of Nurserymen” with “American Nursery and Landscape Association”.

**SUBSECTION:** 801.01 REQUIREMENTS.  
**REVISION:** Add the following sentence after the third sentence of the first paragraph:

Mills must request and be approved by the Department to supply cement with an SO<sub>3</sub> content above the value in Table 1 of ASTM C 150.

**SUBSECTION:** 804.01.03 Conglomerate Sand.  
**REVISION:** Replace second sentence of the paragraph with the following:

Conglomerate sand may include some material which has been produced by crushing larger pieces of the parent material.

**SUBSECTION:** 804.02 Approval.  
**REVISION:** Replace first sentence of the second paragraph with the following:

The Department will consider a source for inclusion on the Aggregate Source List when the aggregate producer complies with KM 64-608 and provides the following:

**SUBSECTION:** 804.03 Concrete.  
**REVISION:** Second sentence in first paragraph should be a separate paragraph immediately following the first and should read as follows:

Provide natural, crushed, or conglomerate sand. The Department will allow any combination of natural, crushed, or conglomerate sand when the combination is achieved in the concrete plant weigh hopper. The Engineer may allow other sands.

Use natural or conglomerate sands as fine aggregates in concrete intended as a wearing surface for traffic.

Conform to the following :

**SUBSECTION:** 804.04.03 Polish-Resistant Aggregate.  
**REVISION:** Add the following paragraph:

Provide a signed certification from the aggregate producer for the manufactured polish-resistant fine aggregate stating that the aggregate is supplied from the approved parent material as found on the Department's List of Approved Materials, Polish-Resistant Aggregate Source List and Guidelines on the Division of Materials' web site.

**SUBSECTION:** 804.04.04 Requirements for Combined Aggregates.

**PART:** D) Absorption.

**REVISION:** Delete the first sentence and replace the second sentence with the following:

Provide total combined fine aggregate rates having a water absorption of no more than 4.0 percent.

**SUBSECTION:** 804.11 Sampling and Testing.

**REVISION:** For Absorption Fine Aggregate), replace method "AASHTO T 84" with "KM 64-605"

**SUBSECTION:** 805.02 Approval.

**REVISION:** Replace first sentence of the second paragraph with the following:

The Department will consider a source for inclusion on the Aggregate Source List when the aggregate producer complies with KM 64-608 and provides the following :

**SUBSECTION:** 805.04.01 JPC Base, JPC Pavement, JPC Shoulders, and Concrete for Bridge Decks.

**REVISION:** Replace the subsection heading and first sentence with the following:

805.04.01 JPC Base, JPC Pavement, JPC Shoulders, Concrete for Bridge Decks, and Precast Products.

Add the following paragraph:

Provide a signed certification from the aggregate producer for the approved freeze-thaw coarse aggregate stating that the aggregate is supplied from the approved parent material as found on the Department's List of Approved Materials and Concrete Aggregate Restriction List.

**SUBSECTION:** 805.04.01 JPC Base, JPC Shoulders, and Concrete for Bridge Decks.

**PART:** 3)

**REVISION:** Replace the "tests" with "test" in the last sentence.

**SUBSECTION:** 805.05.05 Polish-Resistant Aggregate.

**REVISION:** Add the following paragraph:

Provide a signed certification from the aggregate producer for the manufactured polish-resistant coarse aggregate stating that the aggregate is supplied from the approved parent material as found on the Department's List of Approved Materials, Polish-Resistant Aggregate Source List and Guidelines on the Division of Materials' web site.



**SUBSECTION:** 811.10.02 Epoxy Coating Material.  
**REVISION:** Replace both the reference to "ASTM D 3963 Annex" and "ASTM D 3963" with "AASHTO M 284".  
**SUBSECTION:** 812.01.02 Hot-Rolled Carbon Steel Sheets and Strip of Structural Quality, Grade 33 (Corrugated Steel Plank for Bridge Floors).  
**REVISION:** Replace the reference to "ASTM A 570" with "ASTM A 1011"  
**SUBSECTION:** 827.04 SEED.  
**PART:** 1)  
**REVISION:** Replace with the following:  
 Obtain seed only through registered dealers holding a permit to label seed.  
**SUBSECTION:** 827.04 SEED.  
**REVISION:** Replace the second paragraph with the following:  
 Do not use seed (grasses, native grasses and legumes) if the seed test date is over 9 months old exclusive of the month tested, or if the limits of noxious weed seed is exceeded.  
**SUBSECTION:** 827.04 SEED.  
**REVISION:** Replace the last paragraph with the following:  
 Wildflower seed shall not be planted until approved by the Division of Materials  
**SUBSECTION:** 828.02 APPROVAL.  
**REVISION:** Add the following:  
 The Department will continue to include the masonry coatings on the list contingent upon receiving an annual certification containing the following information:  
 1) A statement that the masonry coating to be furnished during the particular calendar year is of the same composition as that previously approved for inclusion on the approved list.  
 2) A statement that the masonry coating conforms to the appropriate requirements of the Kentucky Standard Specifications for Road and Bridge Construction.  
 3) A statement that notification will be made to the Division of Materials of any changes in composition for review and approval before furnishing the material to projects.  
**SUBSECTION:** 843.01.02 Acceptance Procedures for Non-Specification Fabric.  
**TABLE:** GRAB STRENGTH PAYMENT REDUCTION  
**REVISION:** Add the following note:  
 The Department will use the lowest value of MACHINE and CROSS for the reduction calculation.  
**SUBSECTION:** 844.02.01 Fly Ash.  
**PART:** 1)  
**REVISION:** Delete the last sentence.  
**SUBSECTION:** 844.02.01 Fly Ash.  
**REVISION:** Replace the subsection with the following:  
 844.02.01 Fly Ash. Select from the Department's List of Approved Materials for fly ash sources. To be placed on the list, furnish samples and ASTM C 618 test data developed over the previous 3 months, and confirm to the requirements in KM 64-325.

**Appendix G:**  
**Design Build Stipend Payment**

**Contractual Services Agreement**  
**Design Build No. 10 2007-2008**

**McCreary County**  
**KY 92**  
**Item No. 08-261.20**

**Whitley County**  
**KY 92**  
**Item No. 11-279.10**

All proposers that submit responsive Proposals that were not selected and that have not forfeited Proposal Guaranty shall be paid a stipend in the amount of \$46,000 within 60 days of the execution of the contract. The stipend is in no way intended to compensate the unsuccessful Proposer(s) for the total cost of preparing the Proposal(s) or any portions thereof. In order for the Proposer(s) to be eligible to receive a stipend, they must first advance to the "short list" of teams that are asked to prepare a Proposal for submittal on the Project. All Proposer(s) that submit non-responsive Proposal(s) or that have forfeited their Proposal Guaranty for any reason(s) shall have no claim to stipend or compensation in any form based upon any legal or equitable theory.

In consideration for the stipend referenced herein, the Proposal shall become the sole and exclusive property of KYTC. KYTC reserves the right to use any of the concepts or ideas within the submitted Proposal, as KYTC deems appropriate.

Have seen and hereby agree to the terms above.

Authorized Representative

Date

**Appendix H**  
**KY 92 Traffic Data**

**See Project CD**